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(Tel: 07714600912 Email: thomaj8@caerphilly.gov.uk)

Date: 3rd August 2023

To Whom It May Concern,

A multi-locational meeting of the **Licensing and Gambling Sub Committee** will be held in Penallta House, and via Microsoft Teams on **Wednesday, 9th August, 2023 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the [Council's website](#).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	

A greener place Man gwyrddach



2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with Local Government Act 2000, the Council's Constitution and Code of Conduct for both Councillors and Officers.

3 Determination of Premises Licence Variation Application

1 - 88

Circulation:

Councillors T. Heron, S. Williams and W. Williams (Chair)

And Appropriate Officers

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LICENSING AND GAMBLING SUB COMMITTEE – 9TH AUGUST 2023

SUBJECT: DETERMINATION OF PREMISES LICENCE VARIATION APPLICATION

REPORT BY: LEE MORGAN LICENSING MANAGER

1. Application Details

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Brew Monster Ltd	Brew Monster 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**.

Photographs of the Premises & outside area are reproduced as **Appendix 3**.

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)** Bank Holidays 09.00 to 23.00hrs & New Years Eve 09.00 to 16.00hrs

The Variation application seeks to extend the licensable area to include the brewery yard, to permit it to be opened during the hours Saturday and Sunday 09:00 to 21:00 for the consumption of alcohol purchased from the brewery bar and to permit the sale and consumption of food which is either purchased from the brewery bar or from a street food trader pop up that is based in the brewery yard.

To extend the hours the premises is open to the public and the hours for the supply of alcohol by bringing forward the opening/start time to 09:00 on bank holidays and New Years Eve to mirror weekend opening/start time. Closing times remain unchanged.

A revision of existing conditions **4, 12 and 15** concerning the smoking area and outside area and access to the brewery production area.

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.

1.3.3 The following steps have been volunteered by the applicant as part of the Operating Schedule, to promote the Licensing Objectives, and are reproduced directly from the Application:-

None Provided.

1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy **Appendix 4**

National Guidance **Appendix 5**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

Police

Document	Date Received	Appendix Reference
Initial Representation	6 th July 2023	Appendix 6

Environmental Health Pollution

Document	Date Received	Appendix Reference
Initial Representation	17 th July 2023	Appendix 7

Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
Initial Representation	13 th July 2023	Appendix 8

Environmental Health (Health & Safety)

Document	Date Received	Appendix Reference
Initial Representation	19 th July 2023	Appendix 9

South Wales Fire and Rescue Service responded to indicate that they would inspect the premises under their own powers and had no representations to make at this time. The Child Protection Officer responded to confirm that there were no representations in relation to the application.

1.5.2 Other Persons:

Residents

Document	Date Received	Appendix Reference
Resident K Jordan Representation	26 th June 2023	Appendix 10
Resident M Butler Representation	17 th July 2023	Appendix 11
Resident B Brown Representation	17 th July 2023	Appendix 12
Resident P Brown Representation	17 th July 2023	Appendix 13

1.6 SUMMARY OF REPRESENTATIONS

The Environmental Health Pollution Officer details an objection to the application to vary Brew Monster premises licence to include the use of the 'Brewery Yard' and its associated conditions. No objection was made to the extension of hours (On New Year's Eve or Bank Holidays.)

The Officer detailed concerns over the use of the outside areas, whether this is attributed to use of the rear yard as a brewery yard or as a smoking area. Reference is made that since opening, Brew Monster have been the subject of many noise nuisance complaints, one of which is ongoing to assess whether noise from the use of outside areas by patrons was causing a statutory nuisance to nearby residents.

Reference is made to evidence gathered with noise recordings and officer visits, that are indicative of noise disturbances from use of the outside area as a smoking area. Noise recordings have been submitted by a resident using The Noise App, which identify a noise source with patrons in loud conversation, often shouting and likely socialising.

The Environmental Health Officer provided information in respect of visits made by Environmental Health Officer's to a residents premises made on 24th June 2023 and 1st July 2023 which resulted in the following Officer comments "*I didn't witness prolonged noise from patrons, but there would be potential for nuisance if patrons were outside Brew Monster for a length of time and the neighbours were trying to use/enjoy their garden area.*".

"At no point did I note anyone from the premises taking any action to mitigate the varying volume patron noise or ask for them to quieten down and this was pretty much continuous for the just over 20 minutes..."

Reference is made to the need for enforcement action to control use of the outside area and meetings held in April this year.

The Environmental Health Pollution Officer concluded that in his professional opinion based on what had been proposed, the ongoing noise complaints and the existing management of Brew Monster, it was not felt that the licensing objective for the Prevention of Public Nuisance could be promoted.

Representations have been received from Heddlu Gwent Police. The Police do not object to the variation application submitted, their comments detail a lack of complaints in respect of crime and disorder and Antisocial behaviour between June 2022 – July 2023. The Police have advocated a revision of conditions in relation to CCTV coverage to include the front entrance and whole of rear yard. Furthermore, the Police have proposed conditions in respect of the use of toughened glass and increased numbers of staff to be present for pre-planned events and have advocated that the licence holder risk assess the need for SIA security staff when sporting or function of any kind takes place. The Applicant has responded to accept the proposed Police conditions.

The Licensing Authority in its role as a Responsible Authority has objected to the revision of conditions to permit alcohol to be consumed in the outside area. Although no objection is made to the additional hours sought on New Year's Eve or on Bank Holidays.

Comment was expressed following a visit on the 27th April 2023 in relation to Temporary Event Notices submitted where a concern was raised regarding the monitoring of the premises as there was no direct access to the yard from the premises itself with customers having to walk via a public footpath to gain access to the yard following their purchases of alcohol.

Comment was expressed that the applicant had not included within the application submitted, any measures in relation to the control and management of the area and number of staff that would be on site when this outside area is open. Reference was made to previous discussions and taking into consideration the layout of the premises, that the Licensing Authority would have expected the applicant to have had regard to this and included measures within his operating schedule.

In addition, as there was no direct access to the brewery yard from the premises and with the lack of CCTV within the public footpath area, there were concerns regarding the management of both areas and the difficulties/controls that may occur with customers not staying within the licensed areas and spilling onto the adjoining street.

Reference was made to paragraphs 11.2 and 26.2 of the council's statement of licensing policy in consideration of the local area considerations.

Taking into consideration the above, the Licensing Authority in its role as a responsible authority was not confident that the premises licence holder would be able to promote the licensing objectives in relation to the use of the brewery yard and would likely to continue to cause nuisance to residents.

The Environmental Health (Health & Safety) Officer has advocated a number of measures in respect of public safety. Comment is expressed that these areas can be addressed by the applicant undertaking a suitable and sufficient risk assessment and adopting the necessary controls to safeguard, employees, customers and others.

Resident Ms Jordan on behalf of her mother, details an objection to the application on the basis of disruptive noise, smoke and odour and litter. Reference is made to an occasion where a

temporary licence was obtained which resulted in 30 plus persons talking outside which resulted in her mother being unable to sit in her garden. Comment is expressed about the loss of enjoyment and use of the garden. Further concern is raised in relation to cigarette smoke and food odour when the beer garden area was used. Comment is made in relation to alleged comments made by the applicant encouraging her mother to bring concerns to the attention of the licensee as opposed to the council.

Resident Mr Butler references patron noise being experienced which is attributable to Brew monster. This takes place on the footpath and road outside during and after the conclusion of its permitted trading hours. This has negatively impacted upon the use of their garden and home, making the garden a 'no go' area. It is stated that allowing use of the outdoor area would make things worse. Reference is made to complaints made to the council's out of hours service in relation to noise.

Resident Mr Brown references noise from patrons who congregate on the road and path outside the premise to smoke and talk and noise from. Reference is made to the curtailment of his garden area and a need to close windows.

Resident Mrs Brown details her objection to the application and details her close proximity to the applicant's premises. Comment is made concerning the applicant being a most inconsiderate business operator. Reference is made to the premises being a noisy hub most weeks from Thursday to Saturday where patrons noisily congregate meaning that they cannot enjoy their garden. Comment is expressed that Brew monster should confine themselves to the internal use of their premises not to increase noise levels. Reference is made to Brew Monster customers urinating on residents' garden walls and fears if additional permissions are granted.,

1.7 APPLICANT RESPONSE

The applicant has acknowledged receipt of the Police representations and has agreed to the proposed Police conditions. Furthermore, the applicant has agreed to the recommendations suggested by the Council's Environmental Health (Health & Safety) Officer.

The applicant requested a meeting with the Environmental Health Pollution Team Officer and the Licensing Authority in its role as a responsible authority to attempt to mediate the variation application. It is understood that following this meeting the concerns and objections to the use of the outside area from both the Responsible Authorities remain.

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 at Brewmonster, 1 Lon y Twn, Caerphilly. The application effectively seeks to revise existing conditions of licence which limits on sales of alcohol to indoors only, by permitting the use of an outdoor beer garden area to the side of the premises. The application also seeks to extend permitted hours on New Years Eve 09.00 to 16.00hrs i.e., until existing hours permitted and on Bank Holidays 09.00 to 23.00hrs.

Objections to the variation application have been received from Responsible Authorities namely the Environmental Health Pollution Team and Licensing Authority in its role as a responsible authority during the statutory 28-day consultation period. However, these objections appear solely to relate to the revision of conditions to permit alcohol to be consumed in the outside area and not in relation to increased sale of alcohol hours proposed on New Years Eve and Bank Holidays.

Clarification has been sought from Responsible Authorities that their objections relate to a revision to existing conditions numbers 4 and 15 of the premises licence and not in relation to condition 12 in relation to preventing customer access to the production area.

Resident representations have also been received objecting the application. Clarification has been sought with resident objectors, as to whether their objections relate to the new hours proposed on New Years Eve and Bank Holidays' or just the use of the outside area. One of the residents, Ms Jordan has indicated that her mother's objections relate to the use of the outside area only, as there has been no disturbance when patrons remain inside. Mr Butler has indicated that he objects to both aspects i.e., the proposed new hours and the revision of conditions to permit use of outside area.

Members will note that they are only able to consider the variation application that has been applied for in respect of revised conditions and additional hours at New Year and on Bank Holidays' and not the merits of the existing licence held.

The Environmental Health Pollution Officer has expressed his professional opinion based on what has been proposed by the applicant, ongoing noise complaints and the existing management of Brew Monster. The Officer concluded that it was not felt that the licensing objective for the

Prevention of Public Nuisance could be promoted. The Officer highlights recent Environmental Health Officer monitoring on the 24th of June and 1st July 2023 which suggests that the prevention of the public nuisance could be undermined, and that patron noise was not being adequately managed.

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.'

The Licensing Authority in its role as a responsible authority, commented that the applicant had not included within the application submitted any measures in relation to the control and management of the outside area and number of staff that would be on site when the outside area was open. Reference was made to previous discussions with the applicant, consideration of the layout of the premises and that the Licensing Authority would have expected the applicant to have had regard to this and included such measures within its operating schedule.

Paragraph 26.2 of the Council's Statement of Licensing policy advocates the following *'In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.'*

Both the Environmental Health and Licensing Officer highlighted Paragraph 11.1 of the Council's statement of Licensing Policy which states *'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.'*

The position of the Environmental Health Pollution and Licensing Officer in its role as a responsible authority suggests that the application to revise conditions which would permit patrons to consume alcohol in the outside beer yard could have significant potential to impact adversely on persons living in the area around the premises. This position appears to be supported by the position of local residents who have referred to patron noise levels, the result of which making their gardens a no-go area. This appears to be the case both when the beer yard has been utilised under the auspices of a Temporary Event Notice (TEN) or when the premises trades within its existing permissions. Members will note that there were no

Temporary Event Notices (TEN's) in place on the dates referenced by the Environmental Health Officer.

It is noted both by Responsible Authorities and residents that when Temporary Events have been held or if conditions were revised to permit alcohol to be consumed in the outdoor area that patrons have to enter the public highway, along the path and into the proposed beer yard. There is no other form of access to this area available to patrons. The management of persons walking to and from and control of persons in this area appears to be of concern, should the variation application be approved. Members may have concerns in relation to the position of the proposed beer yard and layout of the premises which does not appear to afford the applicant or his staff much of a view from the bar area into the beer yard in order to assist in its management and control.

Whilst the Police have indicated a lack of complaints in respect of the prevention of crime and disorder and antisocial behaviour, Members will note Paragraph 1.4 of the Section 182 Home Office National Guidance which details the following *'Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.'*

Whilst the position in respect of the revision of conditions and use of outside area appears to be contentious and opposed by Responsible Authorities and residents alike. This is not the position in respect of the increased retail sale of alcohol hours sought at New Year and on Bank Holidays.' There is no objection to the same from Responsible Authorities and from one of the resident objectors to these hours. The resident comments that in her instance "there has been no disturbance when patrons remain inside." However, another resident comments that patrons remain outside on the road and path often after the cessation of permitted hours.

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.'

Whilst the main thrust of the resident objections appears to relate to noise from patrons attributed to the premises. Reference is also made to customers of the premises urinating on residents' garden walls and the absence of such incidents prior to the premises opening. Concern is expressed about the ability to permit outside events which it is feared will increase nuisance that is attributed to the premises. Reference is made by one of the residents to the applicant being an inconsiderate business owner.

In relation to any references to Planning by residents as part of this Licensing Act 2003 application process, 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.'*

Members will be required to determine whether variation application to revise the existing licence conditions in relation to the outside area, to add the outside area to the licensable area and the proposed increase to permitted retail sale of alcohol hours 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.

1.10 **RECOMMENDATION**

Having had regard to and considered the position of the Responsible Authorities and representations received by other parties, it is recommended that the variation application to **revise licence conditions numbers 4 & 15 that would permit alcohol to be consumed in the outside brewery yard area be refused.** It is not considered that the promotion of the Licensing Objectives may be adequately controlled or mitigated by revised conditions in this instance.

In reaching this conclusion, it is noted that there are objections to the prevention of public nuisance licensing objective from the Environmental Health Pollution Team and Local Authority in its role as a response Authority, together with local residents.

It is considered that **condition 12 of the premises licence can be revised** to reflect the following wording *'Customers will not have access to the production/brewery area of the building. This area will be closed off and suitable signage erected.'*

In relation to the **additional hours** proposed on New Years Eve and Bank Holidays,' it is noted that there is an absence of objections by the Responsible Authorities. It is suggested that this element of the application can be **approved.**

Background Papers:

Links to;

[Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\)](#)

[Caerphilly CBC Statement of Licensing Policy](#)

Date of this report: 2nd August 2023

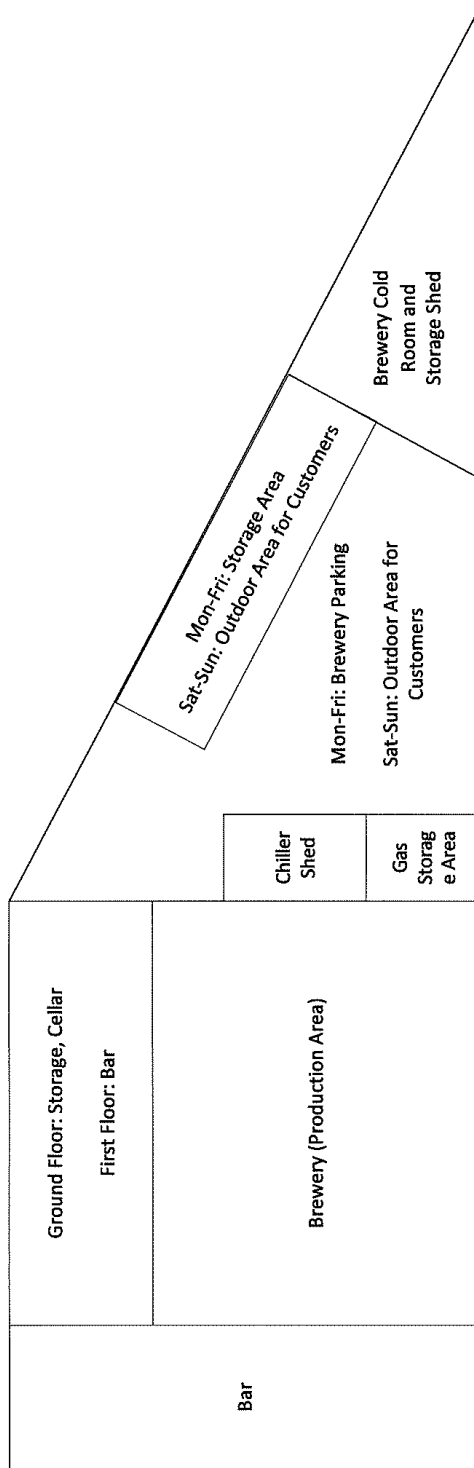
Author: Lee Morgan – Licensing Manager morgal16@caerphilly.gov.uk

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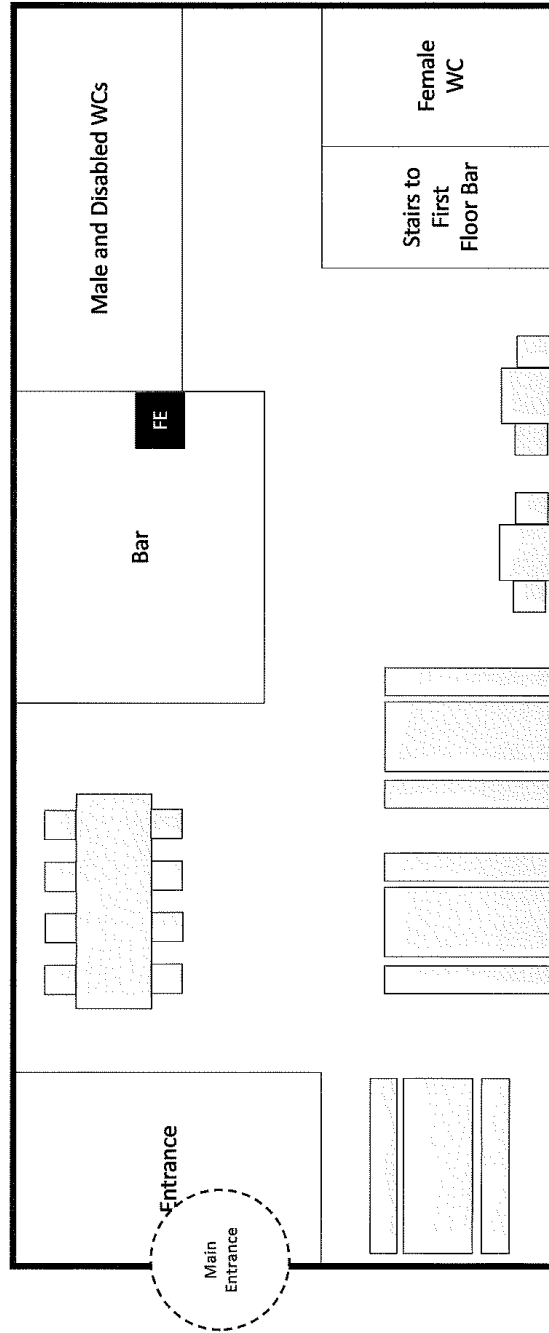
**Site Layout Plan in Support of Application to Vary
Premises Licence at 1 Lon Y Twyn, Caerphilly, CF83
1NW**

High-Level Site Layout

Brew Monster Ltd, 1 Lon Y Twyn, Caerphilly, CF83 1NW

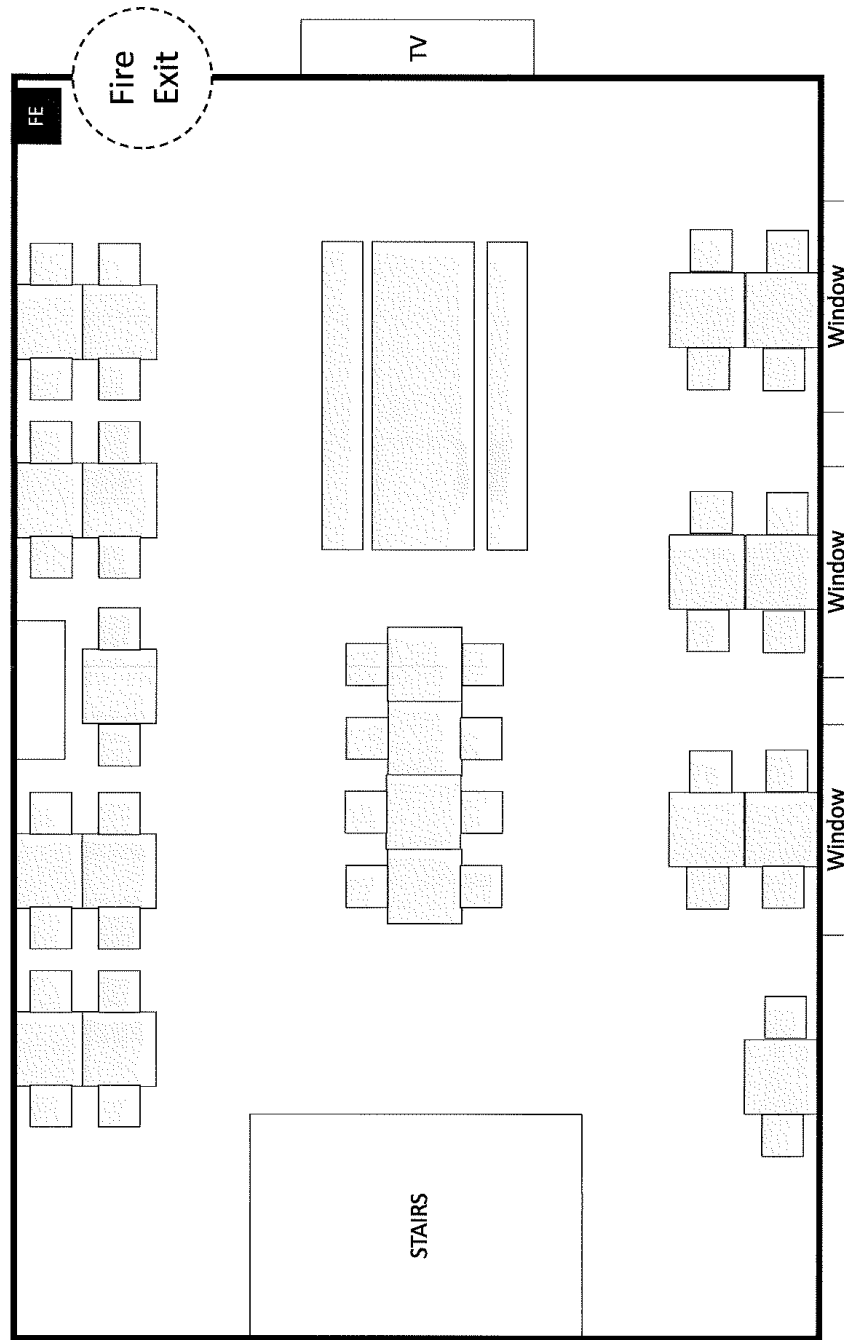


Site Layout: Internal Ground Floor
Brew Monster Ltd, 1 Lon Y Twyn, Caerphilly, CF83 1NW



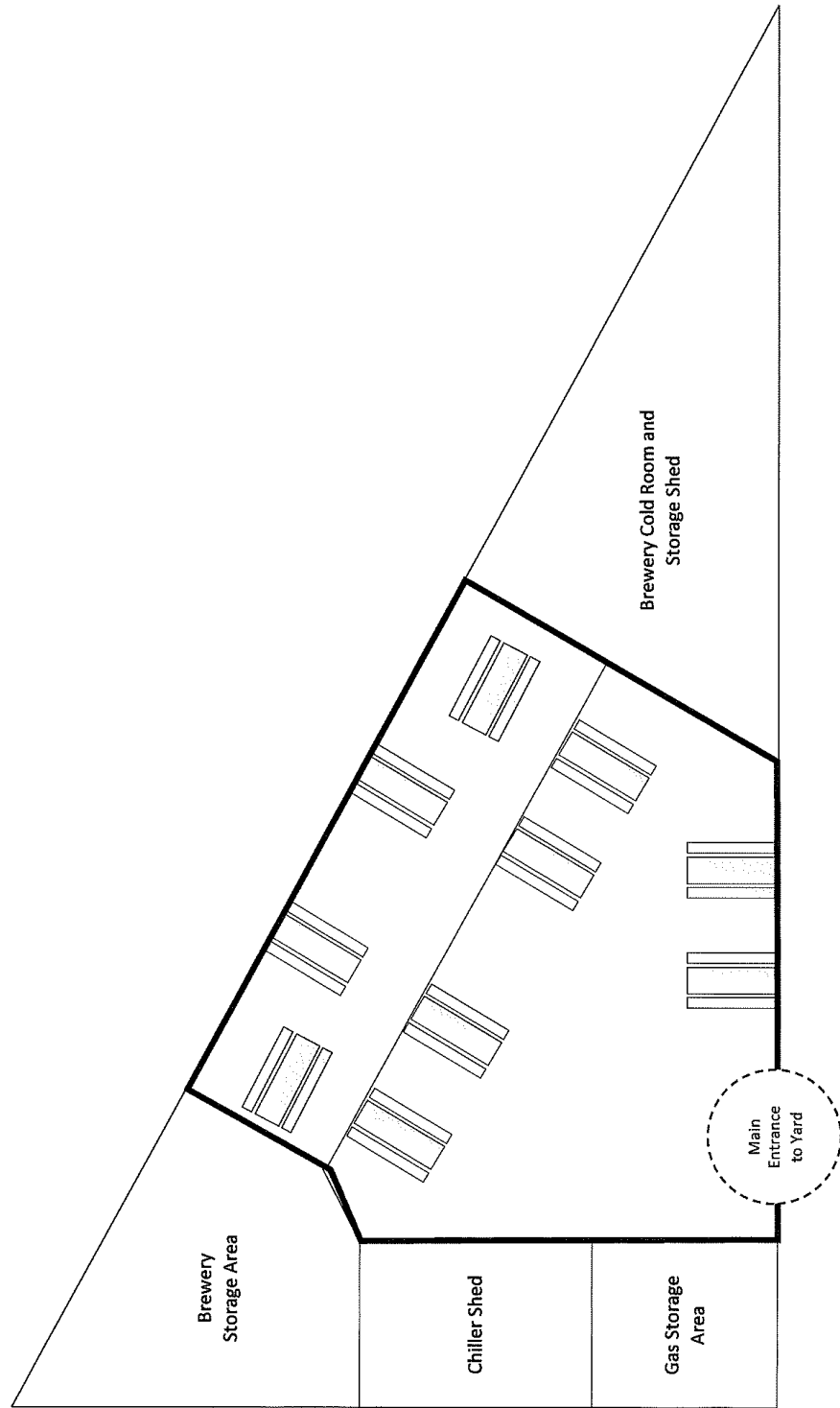
Site Layout: Internal First Floor

Brew Monster Ltd, 1 Lon Y Twyn, Caerphilly, CF83 1NW



Site Layout: Exterior

Brew Monster Ltd, 1 Lon Y Twyn, Caerphilly, CF83 1NW



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Extract of Statement of Licensing Policy

5.3 When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy. To this end, the Licensing Authority is prepared to consider identifying zones in its area where hours of operation for licensable activities will be fixed. At the time of preparing this policy, no zones have been identified. However, the Licensing Authority will consider the introduction of such zones and limiting of hours for licensable activities upon receipt of representations from and following consultation undertaken with Responsible Authorities. This will be applied in the event of representations being made upon an application unless the Licensing Sub-Committee is persuaded that it would not be appropriate to apply them in the circumstances of the application.

5.4 The Licensing Authority notes that the Government's Section 182 Guidance states that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours". However, because of the problems experienced in some local communities in the county borough arising from the availability of alcohol for sale at local shops for consumption off the premises this Licensing Authority has decided that it will not adopt this general position but instead will expect applicants and licence-holders to trade alcohol at hours which are appropriate to their particular local environment. Therefore applicants should very carefully consider the hours they seek when devising their operating schedule and it is recommended to discuss such application with the appropriate Responsible Authorities.

5.5 In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.

5.6 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.

5.7 Applicants and existing licensees should be mindful of local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.

6.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority. These matters would be a specific consideration for the local Planning Authority taking into account the demands of the licensed trade and market demands.

7.6 Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community. For examples of licensing conditions that can promote health and wellbeing reference can be made to Caerphilly County Borough Council's 'Model Pool of Conditions'.

7.7 In addition, the Licensing Authority expects applicants to consider the impact their premise may have on people vulnerable to alcohol misuse, in particular children and young people and problematic drinkers. Commissioned alcohol treatment services are set within the communities they serve. The availability of alcohol in near proximity to treatment services can create specific issues for treatment providers. The Licensing Authority expects applicants to consider and mitigate the harm by including licensing conditions when their premise is close to the location of treatment services, and areas where children and young people may congregate, such as schools, youth clubs and parks.

10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

10.3 Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

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.

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.

13.9 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met. To support the age-verification process the Authority strongly

recommended that premises have the following measures in place to ensure age verification for sales –21 • That ‘Challenge 25’ is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol. • That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers. • That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers. • That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers. • That a personal licence holder shall be on the premises at all times that alcohol is supplied. • That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

14.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. In this way, those with a right to make representations or objections are able to fully assess the factors that may affect them.

14.3 Amendments to the Act has inserted the term ‘other person’ to replace ‘interested party’ as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:- • Residents living near the premises • Persons with an interest in the premises or locality • Local councillors • Businesses with an interest in the premises or locality. • Organisations with an interest in the locality, premises or licensable activities.22 The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; • The protection of children from harm.

14.6 Petitions may be accepted if the Authority believes all those that signed the petition understood the implications of what they were signing. Please refer to 28.24 below for further guidance.

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.

22.1 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or

cause of disorder and disturbance then, subject to representations from the police and other responsible authorities, a limitation on licensing hours may be appropriate.

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

25.7 Conditions on a licence: • Must be appropriate for the promotion of the licensing objectives; • Must be precise and enforceable; • Must be unambiguous and clear in what they intend to achieve; • Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation; • Must be tailored to the individual type, location and characteristics of the premises and events concerned; • Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case; • Should not replicate offences set out in the 2003 Act or other legislation; • Should be proportionate, justifiable and capable of being met; • Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and • Should be written in a prescriptive format.

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

26.3 The Licensing Authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other Responsible Authorities prior to submitting them.

26.4 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail

27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.

27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.

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

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

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

28.10 The Licensing Authority recognises that every Responsible Authority can make representations relating to any of the four Licensing Objectives. However the Licensing Authority would normally expect representations about the promotion of individual Licensing Objectives to come from the most relevant Responsible Authority with expertise in that particular area. For example the Licensing Authority would expect representations about the prevention of crime and disorder to come primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.

28.14 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.

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.

28.24 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the organiser of the petition identify himself or herself as a central point of contact. We may need to make contact in order to verify certain matters if we are unable to do this it could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge. We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we receive is an important consideration when making a decision.

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

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.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

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.

8.41 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 assessment), 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.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

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 consideration given to the licensing objectives and any measures that are proposed to promote them.

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 a 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.

9.6 Frivolous representations would be 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.

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 the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional 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 any 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.

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with 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.

10.14 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.

14.19 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

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.

14.52 Statements of licensing policy should set out the licensing authority’s approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around

licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Gwent Police

Name of Applicant	Glenn White
Premises	Brew Monster ltd 1 Ion Y Twyn Caerphilly CF83 1NW

Your Name	Jon Taylor
Job Title	Police Constable 1141
email Address	LicensingWest@gwent.police.uk
Contact Telephone Number	07788328928
Date	6/7/2023

Which of the four Licensing Objectives does your representation relate to?	
The Prevention of Crime and Disorder	X
Public Safety	
The Prevention of Public Nuisance	X
The Protection of Children from Harm	

Please outline the reasons for your Representations

The applicant Glenn White is applying to vary the Premises license PRM 003 for supply of alcohol and regulated entertainment at Brew monster ltd CF83 1NW and to include use of the Brewery yard to the side of the main building.

The proposed variation by the applicant is:

To extend the licensable area to include the brewery yard, to permit it to be opened during the hours Saturday and Sunday 09:00 to 21:00 for the consumption of alcohol purchased from the brewery bar and to permit the sale and consumption of food which is either purchased from the brewery bar or from a street food trader pop up that is based in the brewery yard.

To extend the hours the premises is open to the public and the hours for the supply of alcohol by bringing forward the opening/start time to 09:00 on bank holidays and New Year's Eve to mirror weekend opening/start time. Closing times remain unchanged.

A revision of existing conditions 4, 12 and 15 concerning the smoking area and outside area and access to the brewery production area.

Requested opening hours to the public are : Monday to Friday 16.00 to 23.30 , Saturdays and Sundays 09.00 to 23.30 hrs . Bank Holidays 09.00 to 23.30 hrs , New Years Eve 09.00 to 02.30 hrs

Supply of alcohol: On and Off Sales Monday to Friday 16.00 to 23.00 hrs , Saturdays and Sundays 09.00 to 23.00 hrs

Bank Holidays 09.00 to 23.00 hrs, New Year's Eve 09.00 to 02.00 hrs

The applicant has proposed the following

We propose amending the following conditions as follows:

12) Customers will not have access to the production/brewery area of the building. This area will be closed off and suitable signage erected.

We propose amending the following conditions as follows:

4) Persons using the smoking shelter will not be permitted to take food or drink outside except during the designated hours that the brewery yard is open (Saturday and Sunday 09:00 to 21:00), and notices to this effect shall be displayed at suitable locations.

15) All alcoholic drinks will be consumed within the licensed area.

On Thurs 27th April 2023 officers from Gwent Police licensing (Pc Taylor) , Annette Dicks (Caerphilly licensing) Kristian Jennings (Caerphilly Environmental Health) met with the applicant Glenn White at the premises to discuss temporary events that were planned for the forthcoming weeks from that date .

At that meeting was discussed various aspects of the imposed conditions of the premises license and adherence where possible to such conditions during the forthcoming TENS events in 2023

We discussed monitoring the outside area by staff (2) to avoid congregating outside the front of the premises. In addition, we discussed maximum numbers and monitoring of such numbers. To encourage customers to utilise the toilets within the premises and repair the toilet which was out of use at the premises when we visited.

Prevent customers taking open containers of alcohol outside of designated areas and not to congregate outside the front of the premises on public footpath.

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

Consideration was discussed around the use of plastic / polycarbonate glasses.

It was explained to the applicant that this would assist in promoting the licensing objectives, mitigate any noise complaints from residents etc

All present visited the outside 'Brewery Yard' prior to leaving and it was noted that this was the intended area to be utilised for the forthcoming TENS that had been submitted .

On 1st May 2023 the applicant responded with a detailed e mail to all persons who attended the meeting on the 27th of April. The e mail covered various aspects of the previous temporary event and feedback from it.

From June 2022 to July 2023 Gwent police have not received any calls relating to Crime and disorder, ASB for the premises .

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account

The applicant has provided several conditions that he wishes to amend that will help promote the 4 licensing objectives. Gwent Police do not object to these amendments but recommend the following be re worded or included.

Regarding condition 11

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.

Gwent Police would like this re worded to

The premises licence holder shall ensure that all drinking glasses used within the premises and outside area are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

All bottles are to be de canted into toughened safety glass at point of sale before being taken outside.

Condition 2

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

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.

Gwent Police would like this reworded to

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 including outside front entrance , walkway to rear yard area and whole yard area (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.

The cctv should be of evidential quality and permit the identification of individuals.

In addition, Gwent Police would like to add the below conditions which would assist the applicant in promoting the licensing objectives

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

Should customers be outside the premises, walkway to brewery yard causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity.

Staff will regularly patrol the front of the premises including walkway to Brewery yard, Brewery yard when licensable activity takes place.

The premises license holder / DPS will assess the need for additional staff to be working and monitor the outside area when licensable activity takes place. A minimum of 2 staff will be required when pre planned events are organised.

The licence holder or DPS shall risk assess the need for SIA door supervisors to be present in the premises when key sporting events are taking place or when a function of any kind is taking place.

If door supervisors are present, then the premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:

- (i) Full name;
- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
- (i) The time they began their duty;
- (iv) The time they completed their duty.

This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

Are you prepared to discuss these representations with the applicant by way of mediation?	Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations
--	---

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY - Environmental Health (Noise)

Name and Address of Applicant	Glenn White
Premises	Brew Monster, 1 Lon y Twyn, Caerphilly, CF83 1NW

Your Name	Kristian Jennings	Date 17th July 2023
Job Title	Environmental Health Officer	
Email Address	jennik@caerphilly.gov.uk	
Contact Telephone Number	01443 811350	

Which of the four Licensing Objectives does your representation relate to?	✓	Please outline the reasons for your Representations
The Prevention of Crime and Disorder		
Public Safety		
The Prevention of Public Nuisance	✓	<p>Environmental Health have considered the premises license application and have the following comments to make:</p> <p>There are concerns over the use of the outside areas, whether this is attributed to use of the rear yard as a brewery yard or as a smoking area. Since opening, Brew Monster have been the subject of many noise nuisance complaints, one of which is ongoing to assess whether noise from the use of outside areas by patrons is causing a statutory nuisance to nearby residents.</p> <p>Evidence has been gathered with noise recordings and officer visits, that are indicative of noise disturbances from use of the outside area as a smoking area. Noise recordings have been submitted by a resident using The</p>

Noise App, which identify a noise source with patrons in loud conversation, often shouting and likely socialising. Officer's comments from a visit made on 24th June 2023 identify the concerns over proximity to nearby residents "*I didn't witness prolonged noise from patrons, but there would be potential for nuisance if patrons were outside Brew Monster for a length of time and the neighbours were trying to use/enjoy their garden area.*".

I would attribute these disturbances to not only the proximity to nearby residents, but also a lack of management of the situation. Complaints often detail numbers of patrons outside using the smoking area more akin to socialising. This has been discussed with management on 24th April 2023 with other responsible authorities for Licensing & Gwent Police, but incidents have persisted. An officer's observations from a visit on 1st July 2023 highlights this concern "*At no point did I note anyone from the premises taking any action to mitigate the varying volume patron noise or ask for them to quieten down and this was pretty much continuous for the just over 20 minutes...*".

At the meeting on 24th April 2023, responsible authorities discussed the use of the outside area as a beer garden under Temporary Event Notices; I advised that the proposed use was not within their lawful planning use as identified in discussion with the CCBC Planning department via email on 18th April 2023. Subsequently, Brew Monster has continued to use this area without planning consent, resulting in a breach of condition notice being served to legally require the use of the area to stop. CCBC Planning Department had tried to informally deal with the matter by requesting the area to not be used as a brewery yard until consent was applied for and granted, however, Brew Monster continued which resulted in formal action against them. In my professional opinion this demonstrates a disregard for legal procedure and legislative compliance.

		<p>complaints and the existing management of Brew Monster, I don't feel as though the licensing objective for the Prevention of Public Nuisance can be promoted.</p> <p>In CCBC's statement of Licensing Policy – S11.1 states <i>“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.”</i></p> <p>Therefore, Environmental Health in their role as responsible authority, <u>object</u> to the application to vary Brew Monster premises license to include the use of the 'Brewery Yard' and it's associated conditions. I raise no objection to the extension of hours.</p>
<p>The Protection of Children from Harm</p>		
<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>		
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes or No</p>	<p>Yes</p>

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Licensing

Name and Address of Applicant	Brew Monster Ltd
Premises	Brew Monster, 1 Lon y Twyn, Caerphilly

Your Name	Annette Dicks Date: 13 th July 2023
Job Title	Assistant Licensing Manager
e.mail Address	dicksa@caerphilly.gov.uk
Contact Telephone Number	01443 866750

Which of the four Licensing Objectives does your representation relate to?	✓
The Prevention of Crime and Disorder	✓
Public Safety	✓
The Prevention of Public Nuisance	✓
The Protection of Children from Harm	

<p>Please outline the reasons for your Representations</p> <p>The application seeks to vary the current premises licence to extend the licensable area to include the brewery yard on Saturday and Sundays from 09:00 to 21:00 for consumption of alcohol, to extend current hours for the supply of alcohol for New Year's Eve from 09:00 instead of 16:00 and to include bank holidays from 09:00 to 23:00.</p> <p>I am aware from a visit to the premises on 27th April with Heddlu Gwent Police and Environmental Health that a number of planned events had been arranged, with the previous brewery yard undergoing renovation works as a seating area to be utilised for customers to consume alcohol and purchase food via independent food vendors. The applicant submitted Temporary Event Notices for the use of this area for the supply of alcohol.</p> <p>During a visit concern was raised regarding the monitoring of the premises as there is no direct access to the yard from the premises itself with customers having to walk via a public footpath to gain access to the yard following their purchases of alcohol. Further advice was given in relation to public safety, a recommendation that use of plastic/polycarbonate glasses be imposed and that customers be prevented from taking alcohol outside of designated areas and not to congregate outside the premises.</p>
--

It is my understanding from the applicant confirmed that these measures were put into place following our visit for the event held from 29th to 1st May 2023.

The applicant however has not included within the application now submitted any measures in relation to the control and management of the area and number of staff that will be on site when this outside area is open. Reference has been made to the consumption of alcohol being consumed in the licensable area but not on how it will be managed/monitored. Given previous discussions and taking into consideration the layout of the premises, the Licensing Authority would have expected the applicant to have had regard to this and included measures within his operating schedule. In addition, as there is no direct access to the brewery yard from the premises and with the lack of CCTV within the public footpath area, there are concerns regarding the management of both areas and the difficulties/controls that may occur with customers not staying within the licensed areas and spilling onto the adjoining street.

The Licensing Authority is aware that a breach of planning permission has occurred in relation to the use of the yard for the events recently held and is subject to planning permission for its change of use. The Licensing Authority is also aware that a number of complaints have been received by Environmental Health in relation to public nuisance arising as a result of the events within the brewery yard, including noise from customers.

Taking into consideration the above, the Licensing Authority is not confident that the premises licence holder will not be able to promote the licensing objectives in relation to the use of the brewery yard and is likely to continue to cause nuisance to residents.

The Council's statement of Licensing Policy in Section 11.1 states '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.'

In addition, 26.2 of the Licensing Policy states 'In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.'

I would therefore lodge an objection to the variation application for the use of the outside area but would not object to the additional hours on New Year's Eve and the inclusion of bank holidays which would in effect, take place inside the licensed premises.

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>No</p>

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Health & Safety

Name and Address of Applicant	Brew Monster Ltd
Premises	Brew Monster, 1 Lon y Twyn, Caerphilly

Your Name	Dean Pugh Date: 19 ^h July 2023
Job Title	Commercial Safety Officer
e.mail Address	pughd1@caerphilly.gov.uk
Contact Telephone Number	01443 811339

Which of the four Licensing Objectives does your representation relate to?	✓
The Prevention of Crime and Disorder	
Public Safety	✓
The Prevention of Public Nuisance	
The Protection of Children from Harm	

Please outline the reasons for your Representations

The application seeks to vary the current premises licence to extend the licensable area to include the brewery yard on Saturday and Sundays from 09:00 to 21:00 for consumption of alcohol, to extend current hours for the supply of alcohol for New Year's Eve from 09:00 instead of 16:00 and to include bank holidays from 09:00 to 23:00.

The yard area is used for deliveries and dispatch of products. The brewery is a HSE enforced premises although for the purposes of the licence application and use of the external yard area, the following should be addressed within the yard area:-

1. The beverages gas area should be caged and securely locked to prevent unauthorised access.
2. Doors to the brewery cold room storage and storage shed, chiller shed, and brewery should display appropriate signage warning the public of 'no unauthorised access' or similar to that effect
3. A suitable lockable door or guard must be provided to the left-hand unit of the chiller shed to prevent the public accessing the motor located within it.
4. The edges of the roofing panel to the left-hand unit of the chiller shed must be adequately protected to prevent injury to customers.

5. When the yard area is open to the public the brewery storage area must be suitably secured to prevent third party access. The temporary controls that are implemented must not affect any emergency escape route from the brewery area.
6. The nosings of the treads of steps must be conspicuously marked in a contrasting colour to the remainder of the tread.
7. As there is no direct access for the public from the bar to the yard area and access via the public footpath the use of all drinking glasses used within the premises and outside area must be of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.
8. Bottles should not be allowed into the yard area. The contents of any bottled beverage for consumption in the yard area shall be decanted into a plastic/ toughened or safety glass receptacle before service to any customer.

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>The above can be remedied by undertaking a suitable and sufficient risk assessment of the use of the yard area and implementing the controls necessary to safeguard employees, customers and others</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes</p>

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

Helps, Tracey

From: Kathryn Jordan [REDACTED]
Sent: 22 June 2023 16:25
To: WWW: Licensing
Subject: Re: planning application 23/0399/COU Brew Monster, 1 Lon Y Twyn, Caerphilly, CF83 1NW

Good afternoon,

Thank you for your swift email response. I was unaware of this application to the licensing department and I'm very grateful to you for bringing it to my attention. Please accept this email as a confirmation that I am objecting to the licensing application on the grounds specified in my original email.

Kind regards

Kath Jordan

[REDACTED]

On Thursday, June 22, 2023, 4:10 pm, WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK> wrote:

Good afternoon Ms Jordan

Further to your comments below which appear to refer to a planning application in relation to Brew Monster, 1 Lon y Twyn, Caerphilly, CF83 1NW, you may not yet be aware that an application to the licensing authority has also been made to vary the premises licence in respect of the use of the outside area on Saturday and Sunday between the hours of 09.00 – 21.00, when you are next at your mother's house you may see the blue notices advertising the same, which are currently posted on the premises.

Given the above are you asking the licensing authority to accept your comments below as an objection under the licensing objectives? If this is the case, then please respond to confirm this position.

In any event I can confirm that I have also forwarded your comments to planning officers for their consideration.

Regards

Tracey Helps

Swyddog Trwyddedu | Licensing Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750

✉ licensing@caerphilly.gov.uk licensing@caerffili.gov.uk

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Gallwch ohebu mewn unrhyw iaith neu fformat. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

From: Kathryn Jordan [REDACTED]
Sent: Thursday, June 22, 2023 2:45 PM
To: Hopkins, Kathryn <HOPKIK1@CAERPHILLY.GOV.UK>
Subject: planning application 23/0399/COU Brew Monster, 1 Lon Y Twyn, Caerphilly, CF83 1NW

Good afternoon

I am emailing in the hope that licensing will be able to help stop the above application going ahead.

Re: Objection to planning application 23/0399/COU Brew Monster, 1 Lon Y Twyn, Caerphilly, CF83 1NW

Brew Monster's yard shares a wall with my mother's property, Holmesdale, East View, Caerphilly and is directly adjacent. I am writing on her behalf.

We are objecting to the application on the grounds that it has been proven in the past to be a nuisance, specifically outlined below. Our objection is submitted on the grounds of:

Disruptive Noise. On previous Bank Holiday weekends Brew Monster has been granted a temporary licence allowing them to serve food and drink outside. The noise from the 30+ clientele talking outside meant that my mother was unable to sit in her garden on a sunny day, as the cacophony of voices was unbearable in the afternoon. Her sister visited her that day and they had to go into the house and shut all windows and door to be able to have a conversation in peace. It has unreasonably and substantially interfered with her enjoyment and use of her garden and has meant that she now avoids sitting in her garden when Brew Monster is serving clientele outside. Furthermore, there have been several incidents of noisy, inebriated clientele shouting and urinating in the streets adjacent and opposite the premises.

Smoke and Odour. The smell of food cooking and cigarettes being smoked has meant my mother has avoided sitting out in her garden on the previous Bank Holiday weekends when Brew Monster has served food and drink outside. It has unreasonably and substantially interfered with her enjoyment and use of her garden. It is a nuisance.

Litter and Rubbish Detritus from food, along with cigarette butts, have littered the area making it unsightly and a health hazard, leaving food waste on the grounds means vermin will be encouraged. Mr. White said he would ensure staff would monitor the area and remind clientele to put rubbish in the bin, but this has not made a difference on the occasions when Brew Monster has had a temporary licence to open outside on weekends.

My mother has spoken to Glenn White, the owner of Brew Monster, after they opened on Bank Holidays, to say that it was a significant and substantial disruption to her enjoyment of her home. Mr. White assured my mother verbally that if she had any concerns she should come to him instead of complaining formally through the council, and that it would only be for special occasions. That has been proven to be untrue with this new application. Once my mother was informed that he was reneging on his promise and planned to open every weekend, she told him she would object. Mr. White said that the council had encouraged him to apply for longer opening hours and that he was being kind only asking to open every weekend between 12pm and 9pm. Could you please clarify if it is the case that the council encouraged Brew Monster to extend their planned opening hours?

My mother is 86 and cannot cope with the stress of this. It is a substantial and unreasonable disruption of her enjoyment of her garden and means she now avoids sitting in her garden when Brew Monster is open for outside business. I urge you to reject this application and to limit outside use of Brew Monster for temporary licence only for special occasions.

Kind regards

Kath Jordan

Mae'r e-bost hwn ac unrhyw ffeiliau sy'n atodol yn gyfrinachol a dim ond ar gyfer defnydd yr unigolyn neu'r sefydliad y cyfeiriwyd atynt. Os ydych wedi derbyn yr e-bost hwn ar gam rhowch wybod i reolwr eich system. Nodwch fod unrhyw sylwadau neu farn o fewn testun yr e-bost yw sylwadau a barn yr awdur yn unig ac nid yn angenrheidiol yn cynrychioli barn Cyngor Bwrdeistref Sirol Caerffili. I orffen, dylai'r person sy'n derbyn yr e-bost sicrhau nad oes firws ynghlwm nac mewn unrhyw ddogfen atodol i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddifrod achoswyd gan unrhyw firws sy'n cael ei drosglwyddo gan yr e-bost hwn. Rydym yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog (yn unol â'ch dewis), ac mewn ieithoedd a fformatau eraill. Cewch ymateb yn unol â'ch dewis iaith os nodwch hynny i ni, ac ni fydd cyfathrebu â ni yn Gymraeg yn arwain at oedi. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Caerphilly County Borough Council. Finally, the recipient should check this email and any attachments for the presence of viruses. The Council accepts no liability for any damage caused by any virus transmitted by this email. We welcome correspondence in English, Welsh or bilingually (according to your choice) or in other languages and formats. We will respond in your declared chosen language, and corresponding with us in Welsh will not lead to any delay.

###

From: [Kathryn Jordan](#)
 To: [WWW: Licensing](#)
 Subject: Re: Brew Monster, 1 Lon y Twyn, Caerphilly-Variation
 Date: 18 July 2023 13:41:49

Good afternoon Tracey
 Thank you for your email. I've spoken to my mum and she's objecting to the change of use of the outside area only as that caused her significant noise nuisance, whereas she doesn't hear anything when people are inside the building.
 Would the hearing be open to the public, or is it only for the relevant departments? Also does a hearing mean that the application has passed an initial decision?
 Kind regards
 Kath Jordan

[Sent from Sky Yahoo Mail for iPhone](#)

On Tuesday, July 18, 2023, 11:23 am, WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK> wrote:

Good morning Mrs Jordan

The application for the variation for Brew Monster will be proceeding to a hearing, date to be finalised. The application itself is in 2 parts, namely the use of the outside area and the extension of hours for the sale of alcohol. Hours to be increased to opening at 09.00 – 23.00 on bank holidays and New Year's Eve to open from 09.00 to 02.00.

Would you be able to confirm if you are objecting to both aspects of the application or just the use of the outside area?

Many thanks

Tracey Helps

Swyddog Trwyddedu | Licensing Officer
 Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750
 ✉ licensing@caerphilly.gov.uk licensing@caerffili.gov.uk

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Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
 Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

rea please?

Many thanks

Mae'r e-bost hwn ac unrhyw ffeiliau sy'n atodol yn gyfrinachol a dim ond ar gyfer defnydd yr unigolyn neu'r sefydliad y cyfeiriwyd atynt. Os ydych wedi derbyn yr e-bost hwn ar gam rhwch wybod i reolwr eich system. Nodwch fod unrhyw sylwadau neu farn o fewn testun yr e-bost yw sylwadau a barn yr awdur yn unig ac nid yn angenrheidiol yn cynrychioli barn Cyngor Bwrdeistref Sirol Caerffili. I orffen, dylai'r person sy'n derbyn yr e-bost sicrhau nad oes firws ynghlwm nac mewn unrhyw ddogfen atodol i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddiffrod achoswyd gan unrhyw firws sy'n cael ei drosglwyddo gan yr e-bost hwn. Rydym yn croesawu gohebiaeth yn Gymraeg. Saesneg neu'n ddwyieithog (yn unol â'ch dewis), ac mewn ieithoedd a fformatau eraill. Cewch ymateb yn unol â'ch dewis iaith os nodwch hynny i ni, ac ni fydd cyfathrebu â ni yn Gymraeg yn arwain at oedi. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Caerphilly County Borough Council. Finally, the recipient should check this email and any attachments for the presence of viruses. The Council accepts no liability for any damage caused by any virus transmitted by this email. We welcome correspondence in English, Welsh or bilingually (according to your choice) or in other languages and formats. We will respond in your declared chosen language, and corresponding with us in Welsh will not lead to any delay.

Helps, Tracey

From: WWW: Licensing
Sent: 17 July 2023 08:18
To: Helps, Tracey; Morgan, Lee
Subject: FW: Brew Monster Caerphilly licence variation.

From: martin butler [REDACTED]
Sent: Saturday, July 15, 2023 6:57 PM
To: WWW: Licensing <licensing@caerphilly.gov.uk>
Subject: Brew Monster Caerphilly licence variation.

Objection to Brew Monster Application for outside use July 2023

I am objecting to the application for extension of licence to include outside area (storage yard) Sat-Sun 12-9 pm for Brew Monster, Lon-y-Twyn, Caerphilly, based on the personal experiences observed over the past seventeen months since the bar opened. We live opposite the taproom which is located within 25 metres of 16 homes & 100 metres of 50+ multi-occupancy flats/homes. Previous owners (Plumbsave) ceased trade in our residential area at 5pm Mon-Fri & 12pm Sat. It was a peaceful area evenings & weekends. BMT open 52 hours per week, 47 hours after 5pm Mon-Fri/12 noon Sat-Sun. Patrons noisily congregate on the road & path outside to smoke & talk as there are no BMT smoking facilities. At times patrons have also been observed with glasses in hand drinking outside. Current licensing hours are 4-10pm Mon-Fri, 12pm-11pm Saturday & Sun but patrons are still outside often after 11pm Thu & 12am Fri & Sat.

Noise from BMT negatively impacts us using our garden & we have to close windows in our home to reduce it. Additional noise occurs when live music is played at the bar entrance area. Patrons are known to urinate and more recently vomit on residents' boundary walls in the lane opposite BMT.

Brew Monster impede the footpath with pop up signage during trading hours (2 when yard was open) and have 3 industrial waste bins permanently outside their boundary, obstructing the public footpath used by pupils and families of the Twyn nursery, infant & primary schools, as well as passers-by. Brew Monster cite the yard as a storage & vehicle turning area as per original planning submission (October 2021) but used bottles/glass are carried from the main door of bar along the path, and from out of the yard, to the external waste bins on an almost daily basis.

In contravention of planning regulations, during May 2023 the yard was opened for over 10 days for outside use by the public. Patrons produced incessant noise, consistently over 60dB with peaks above 75-80db at 15 metres (severely affecting residents' use of gardens & home). In order to access the yard patrons purchased drinks from within the premises and then

carried these out of the bar entrance for 20 metres along the public footpath to enter yard. The path is uneven and could be a trip hazard with several variations in level. Patrons also queued for food out of the gate, blocking the path and creating further nuisance.

We have raised a number of complaints, due to noise, over recent months, and requested out of hours officers to attend site to monitor the noise.

My wife has become recently disabled and now house bound if I am not at home. Now a permanent electric wheelchair user. Her only escape is the use of the back garden, where she would sit during the day, and also evening. The noise levels, has made our garden a no go area, when the premises is open. Granting outdoor licence use, would only make this situation worse.

We ask for this application to be refused.

Kind regards

Martin Butler

A solid black rectangular box used to redact the sender's name or contact information.

Sent from my iPad

From: martin.butler
To: WWW: Licensing
Subject: Re: Brew Monster, 1 Lon y Twyn, Caerphilly-Variation
Date: 18 July 2023 19:09:09

Hi

To confirm I am objecting to both aspects of the application.

Kind regards

Martin Butler

Sent from my iPhone

On 18 Jul 2023, at 11:30, WWW: Licensing <licensing@caerphilly.gov.uk> wrote:

Good morning Mr Butler

The application for the variation for Brew Monster will be proceeding to a hearing, date to be finalised. The application itself is in 2 parts, namely the use of the outside area and the extension of hours for the sale of alcohol. Hours to be increased to open from 09.00 – 23.00 on bank holidays and New Year’s Eve to open from 09.00 to 02.00.

Would you be able to confirm if you are objecting to both aspects of the application or just the use of the outside area?

Many thanks

Tracey Helps

Swyddog Trwyddedu | Licensing Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750
✉ licensing@caerphilly.gov.uk licensing@caerffili.gov.uk

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Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format.Corresponding in Welsh will not lead to any delay.

Mae'r e-bost hwn ac unrhyw ffeiliau sy'n atodol yn gyfrinachol a dim ond ar gyfer defnydd yr unigolyn neu'r sefydliad y cyfeiriwyd atynt. Os ydych wedi derbyn yr e-bost hwn ar gam rhwch wybod i reolwr eich system. Nodwch fod unrhyw sylwadau neu farn o fewn testun yr e-bost yw sylwadau a barn yr awdur yn unig ac nid yn angenrheidiol yn cynrychioli barn Cyngor Bwrdeistref Sirol Caerffili. I orffen, dylai'r person sy'n derbyn yr e-bost sicrhau nad oes firws ynghlwm nac mewn unrhyw ddogfen atodol i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddiffrod achoswyd gan unrhyw firws sy'n cael ei drosglwyddo gan yr e-bost hwn. Rydym yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog (yn unol â'ch dewis), ac mewn ieithoedd a fformatau eraill. Cewch ymateb yn unol â'ch dewis iaith os nodwch hynny i ni, ac ni fydd cyfathrebu â ni yn Gymraeg yn arwain at oedi. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Caerphilly County Borough Council. Finally, the recipient should check this email and any attachments for the presence of viruses. The Council accepts no liability for any damage caused by any virus transmitted by this email. We welcome correspondence in English, Welsh or bilingually (according to your choice) or in other languages and formats. We will respond in your declared chosen language, and corresponding with us in Welsh will not lead to any delay.

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From: [REDACTED]
To: www.licensing.gov.uk
Subject: Objection to licensing application Brew Monster, Lon-y-Twyn, Caerphilly
Date: 17 July 2023 12:53:05

Living 15 metres opposite Brew Monster is severely impacting our home life.

Brew Monster obtained planning permission for, what was described by Mr White, as a Micro Brewery and bar, with a 'quality' clientele who wish to consume his produce in the Tap Room. The Yard would house storage for the business (presumably their three industrial bins) and kegs etc. It would be a turning space for vehicles and have a smoking area (which is unfinished and an eyesore).

Mr White is the most inconsiderate of business operators. He employed work to be done on the premises starting at 6.30am, which when I happen to come across him in Cardiff, asked if he felt it was a reasonable time for noisy work to be commencing, first stated that 'it was one day only' as he had a floor to lay, and when I advised him that it wasn't simply 'one day' but had happened for a second consecutive day, that morning, he shrugged.

He is constantly applying for extensions to licensing hours, which when granted, make for longer and noisier evenings / nights and weekends. When the Tap House is open earlier in the week, the general area is quieter, however what was 'sold' to the Council and neighbours as a 'Micro Brewery and Tap Room' has become a noisy hub most weeks from Thursday - Saturday inclusive. Customers noisily congregate outside the premises, so we are unable to enjoy our garden on evenings/weekends as we used to and have to close doors and windows due to the noise.

The events which are run to attract customers range from:

- Televised Sporting Events such as Rugby Internationals
- Music nights
- Quizzes
- Films
- Private Parties
- Additional 'Events' which Brew Monster choose to host with food outlets.

Brew Monster should confine themselves to internal use of their premises as per original planning and licensing applications, not to increase the existing noise that is already inflicted on neighbours from the premises.

Use of 'invited food outlets' translates into two businesses being run from the premises, increasing the problems already associated with Brew Monster. The geographical nature of the Twyn area contains and amplifies noise/music rather than reducing it.

The 'Yard' area, which Brew Monster are proposing to host outside events in, should be used as a 'Storage Yard' as per the original planning

application. Parents with young children and pushchairs use the public footpath along Lon-y-Twyn to access the Tywn nursery and school. Brew Monster obstruct the path with three industrial bins permanently stored on it and during opening hours, easel style pop-up signage. Mobility scooter users also struggle to use the footpath. This should be respected as a public right of way, however Brew Monster choose instead to freely clutter it up with their signage and bins. How then do they propose inviting the public into a space which should be used for the purposes which they themselves stated it was for? (One of Brew Monster's Large Industrial Bins was 'walked' by youngsters down the street and around the corner, which given the size and weight, could do substantial damage to cars etc. if they lost control of it or it rolled, given the steep lie of the land. We also had to endure an unsecured keg rolling around in high wind, but as the premises are left at the close of business, any out of hours problems are not attended to. Caerphilly Council already close roads to the public to host events to promote food and drink businesses. Brew Monster should restrict themselves to their premises (keeping within their boundaries), their online presence and stalls at the festivals, both in Caerphilly and further afield, if they so wish. Lon y Twyn is a road which has limited parking popular for people wishing to donate and shop at Ty Hafen, which rely heavily on custom for the funding of vital medical care and support for terminally ill children and their families. Brew Monster isn't the only business that is operating from Lon y Twyn. Neighbours also use the parking themselves and it would be a major inconvenience to many people to have Lon y Twyn closed. I also object to Brew Monster's customers urinating on resident's garden walls. Lon y Twyn / East View was not an area for any antisocial behaviour prior to Brew Monster opening, however the granting of licences for outside events will only increase the nuisance for the neighbours already emanating from Brew Monster. Mr White's attitude is 'if we don't like it (Brew Monster), we should move'. I strongly object to Brew Monster having any license for outside events either in the 'Brew Monster (Storage) Yard' or on Lon y Twyn Road. The Twyn area already has three outside licensed areas with Coffee Vista, Caerphilly Municipal Club and 'Ten Degrees'. Ten Degrees makes considerable noise, both on Market Street and a flimsy canvas marque backed onto East View. Added to which, the Twyn is regularly a venue for Council events, so we really don't need Brew monster increasing the noise and anti-social behaviour, we have quite enough of it already.

Mrs. Brigid Brown

From: [REDACTED]
To: www.licensing
Subject: Objection to Brew Monster Application for outside licence
Date: 17 July 2023 12:24:43

Dear Licensing Team,

Objection to Brew Monster Application for outside use July 2023

I am objecting to the application for extension of licence to include outside area (storage yard) Sat-Sun 12-9 pm for Brew Monster, Lon-y-Twyn, Caerphilly, based on the personal experiences observed over the past seventeen months since the bar opened in January 2022. We live opposite the taproom which is located within 25 metres of 16 homes & 100 metres of 50+ multi-occupancy flats/homes. Previous owners (Plumbsave) ceased trade in our residential area at 5pm Mon-Fri & 12pm Sat. It was a peaceful area evenings & weekends. BMT open 52 hours per week, 47 hours after 5pm Mon-Fri/12 noon Sat-Sun. Patrons noisily congregate on the road & path outside to smoke & talk as there are no BMT smoking facilities. At times patrons have also been observed with glasses in hand drinking outside. Current licensing hours are 4-10pm Mon-Fri, 12pm-11pm Saturday & Sun but patrons are still outside often after 11pm Thu & 12am Fri & Sat.

Noise from BMT negatively impacts us using our garden & we have to close windows in our home to reduce it. Additional noise occurs when live music is played at the bar entrance area. Frequently the doors are left open/banged, which means noise is not contained within the bar. Patrons are known to urinate on residents' boundary walls in the lane opposite BMT.

Brew Monster impede the footpath with pop up signage during trading hours (2 when yard was open) and have 3 industrial waste bins permanently outside their boundary, obstructing the public footpath used by pupils and families of the Twyn nursery, infant & primary schools, as well as passers-by. Brew Monster cite the yard as a storage & vehicle turning area as per original planning submission (October 2021) but used bottles/glass are carried from the main door of bar along the path, and from out of the yard, to the external waste bins on an almost daily basis.

In contravention of planning regulations, during May 2023 the yard was opened for over 10 days for outside use by the public. Patrons produced incessant noise, consistently over 60dB with peaks above 75-80db at 15 metres (severely affecting residents' use of gardens & home). In order to access the yard patrons purchased drinks from within the premises and then carried these out of the bar entrance for 20 metres along the public footpath to enter yard. The path is uneven and could be a trip hazard with several variations in level. Patrons also queued for food out of the gate, blocking the path and creating further nuisance.

When the new market opens, there will be SIX premises with outside facilities within 200 metres of Brew Monster. Due to our miserable experience of the yard used over May Bank

Hol. & 8 other days, we ask this application be refused.

Yours sincerely

Dr. Paul Brown

From: [Paul Brown](#)
To: [WWW: Licensing](#)
Subject: Fwd: Brew Monster Carrying Drinks to Yard
Date: 18 July 2023 15:35:24
Attachments: [20230616_235144.jpg](#)
[20230527_165805.jpg](#)
[20230429_150405.jpg](#)
[20230527_164013.jpg](#)
[20230429_131951.jpg](#)
[20230527_165807.jpg](#)

Dear Tracey,

Please find attached photographs of patrons carrying drinks from internal bar where purchased, along pavement and into yard. Couple of pictures of queue to get food from within the yard spilling out onto highway and also evening picture of a typical group smoking outside main entrance.

Thanks

Paul Brown

----- Forwarded message -----

From: **Paul Brown** <>
Date: Tue, 18 Jul 2023, 11:22 am
Subject: Brew Monster Carrying Drinks to Yard
To: Paul Brown <>













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Information in Support of Brew Monster's Application to Vary Premises Licence at 1 Lon Y Twyn

Background

Brew Monster Group moved to its premises at Lon Y Twyn in July 2020. At the time the unit was vacant and derelict. Over the past 3 years Brew Monster has spent around £750,000 to completely refurbish and fit out the building, making it one of the highest specification microbreweries in the UK. We focus on producing beers of the highest quality, which are sold through the on-site tap room, our craft beer bar in Cardiff, and through our website. Over the past 2 years we have been one of the most decorated microbreweries in Wales, receiving a total of 17 awards for our beers, including Best Pale Ale in the UK at the SIBA BeerX conference in Liverpool for our flagship beer Basilisk.

Despite our very strong reputation for high quality beer, we have been hard hit by the challenges of the last few years, namely Covid-19 and the recent cost of living / inflation challenges. This has resulted in significant increases in our costs, whilst simultaneously reducing footfall to our bars due to the financial pressures on our customers. The situation is expected to get even more challenging in the coming years as costs continue to increase and the new Ffos Caerffili market is likely to increase competition significantly in the town.

To offset the impact, we have sought to improve our premises and hope to be able to allow our customers to enjoy outdoor space and street food in our brewery yard during weekends through the summer. Without the ability to offer outdoor space to our customers and street food, we are likely to lose many of our customers to Ffos Caerffili, which will significantly impact the viability of our business. It is for this reason that we have applied to vary our premises licence.

Overview of Variations Requested

We currently have a premises licence to operate 7 days a week, closing at 11:30pm each day. The licensable area comprises the indoor area only. We have requested that the licensable area is increased to allow use of the brewery yard on weekends until 9pm only.

This will allow our customers to sit in the brewery yard, where we hope to be able to invite in selected street food vendors to offer food for our customers. We have previously held several temporary events (under TENS) which proved extremely successful.

Mitigation and Controls

1 – Sound Proofing

In addition to our licensing application, we have also submitted a planning application which is currently under consideration. As part of that application, we submitted a detailed schedule of works that includes the erection of acoustic screening around the brewery yard

to mitigate any sound and visual impact on neighbours and passers-by. The screening in combination with the existing structures in the brewery yard ensures that the customer seating area is fully encompassed thus mitigating any risk of noise that could pose a risk of public nuisance. Further details are included as an appendix to this report. We believe that these works promote the licensing objective of the prevention of public nuisance.

2 – CCTV

Within the application we have proposed several additional conditions to be added to our licence to mitigate any risks/concerns that arise from our use of the outdoor space. Following consultation with the Police, we have proposed to install additional CCTV that will cover the brewery yard, the walkway between the bar entrance and the yard entrance, and outside the bar entrance. Images will be of high quality, will be recorded 24 hours per day and retained for a minimum period of 28 days. This will help to identify and address any instances of anti-social behaviour or nuisance, ensuring that we can adhere to the licensing objectives of the prevention of crime and disorder, public safety, and the prevention of public nuisance.

3 – Management Processes

We have previously held several outdoor events in our brewery yard under TENs. In advance of these events, we met with the Police and other relevant authorities to discuss our plans and to share ideas on how we can ensure that the licensing objectives are fully achieved.

During the meeting we discussed the staffing that we would have in place for the events, which was a key area of interest for Gwent Police and deemed to be one of the key methods of promoting the licensing objectives. Gwent Police were happy with the staffing plan we had for the events, and we have subsequently proposed a condition to be added to our licence which ensures a minimum level of staffing for events which has been agreed with Gwent Police.

We have always taken a risk-based approach to staffing. When determining the staffing rota for any given day, we take into consideration many aspects:

- We review the bar diary for bookings, to understand the number and size of groups that may have booked in, and what times they are likely to be in attendance
- Prior experience and data of how busy the bar is at different times of the day and each day of the week
- Weather forecasts, as weather is a big determinant of footfall and visitors to our venue
- Events taking place, either in Caerphilly town (e.g. food festival, Pride Little Cheese) or at our venue (e.g. quiz night, live music/open mic etc)

In addition to our risk-based approach to scheduling an appropriate level of staffing, we also have contingency plans in place should the venue prove to be busier than expected. This

includes having additional staff on call, in particularly myself and my business partner (if we aren't already on shift) who are the most experienced and senior members of staff.

We also have several methods of reducing demand during particularly busy periods such as closing the outdoor area earlier than scheduled (which we have done during TENs events), amending the start/end times of events (e.g. live music/open mic) to stagger footfall into the venue.

Taking all these factors into account we believe that we are very effective at managing our venue and ensuring that we always have sufficient staff available to deal with the volume of customers and to promote the licensing objectives fully.

4 – Opening Hours

We took significant time and care in determining what times we should request that the outdoor space is permitted for use. We were very conscious that there are residential properties in the vicinity, and above all we want to ensure that we do not cause a nuisance to these properties.

We decided to request the variation to allow the use of the brewery yard until 9pm only. This is significantly earlier than other licensed venues in the vicinity of our venue - including The Municipal Club whose beer garden is immediately behind our building, and Ten Degrees which is further up Market Street and in very close proximity to residential properties on East View.

In addition, other venues in the vicinity operate their outdoor areas up to 7 days a week, while we are only requesting its use for 2 days each week on weekends only.

Whilst this earlier closing time will have a detrimental effect on the experience of our customers, who would undoubtedly like the outdoor area to be open later, we believe an 9pm closing time is preferable on the following basis:

- Customers are more likely to get more 'rowdy' later in the evening. It should be noted that we rarely experience any such behaviour from our core customer base, but the earlier closing time will ensure that any such behaviour (if it did occur) is indoors and not in the brewery yard.
- By staggering the closing of the outdoor and indoor areas, it will stagger the times customers leave our premises, reducing the maximum number of people moving along Lon Y Twyn at any given time, further reducing the risk of any impact on our customers.

Response to Representations from Relevant Authorities

We have reviewed the representations received in relation to our application from the Environmental Health Officer and Licensing Officer, and we have set out our response to these below.

Response to EHO Representation

Officer Visits

In order to respond to the issues raised by the EHO directly and specifically, information was requested on 3rd August, following a meeting with the EHO on 2nd August. Unfortunately at the time of writing this report, no data had been provided by EH, and therefore we cannot directly address the issues raised and support with data.

The EHO references a visit on 24/6/23 to our premises:

“Officer’s comments from a visit made on 24th June 2023 identify the concerns over proximity to nearby residents “I didn’t witness prolonged noise from patrons, but there would be potential for nuisance if patrons were outside Brew Monster for a length of time and the neighbours were trying to use/enjoy their garden area.”

Our concerns regarding this statement are as follows:

- The EHO has not provided the time of day that the visit took place. As noted throughout this report, we have only requested use of the outdoor space until 9pm and on weekends only. Therefore, if the visit took place outside of these times, then it does not provide any evidence that is directly relevant to our application.
- The comments made specifically note that the officer ***did not*** witness any noise, and therefore the suggestion that there could be potential for nuisance is purely speculative, and not based on any actual data or observations. We therefore do not believe that these comments should be taken into account when determining our application.
- Furthermore, the speculation from the visiting officer relates to the area directly outside the main entrance. To clarify, we do not intend to allow customers to drink in this area. The area being referenced is the pavement of the public highway. Our application is only for use of the brewery yard, which upon granting of the licence and planning permission, will be fully surrounded by acoustic screening to prevent noise/nuisance. Therefore, making the visiting officer’s comments again irrelevant to the determination of our application.
- Furthermore, we would like to reiterate that it is our strong belief that permitting the use of our brewery yard will actually serve to address the concerns of the EHO

and improve the experience of nearby residents. By providing customers with a more easily accessible and identifiable area for smoking outdoors, i.e. the brewery yard, customers are significantly less likely to loiter outside the main entrance on the pavement, and instead go to the brewery yard where the acoustic screening will suppress any sound. This is a key part of our proposal and has been communicated to the EHO and other relevant authorities.

Further comments in relation to a visit to our premises were as follows:

*“An officer’s observations from a visit on 1st July 2023 highlights this concern
“At no point did I note anyone from the premises taking any action to mitigate the varying volume patron noise or ask for them to quieten down and this was pretty much continuous for the just over 20 minutes...”*

As noted above, no information has been provided on the timing of the visit. If the visit did not take place on a weekend between 9am-9pm, then it does not provide any evidence that is directly relevant to our application.

In addition, having not been provided with information by the EHO as has been requested, it is impossible for us to properly investigate this particular accusation. It is true that we do on some occasions have customers that spend excessive time outside smoking. Our staff are trained to deal with such issues, and appropriate action is taken by management when issues are not correctly dealt with.

We have agreed with Gwent Police to amend Condition 2 of our licence to include the following:

“the CCTV shall cover all parts of the licensed areas to which the public have access including outside front entrance, walkway to rear yard area and whole yard area”

The erection of CCTV outside the premises, combined with providing customers with a clearly identifiable, designated smoking area in the yard, will make it significantly easier for our staff to manage customers and ensure that they adhere to our instructions to not smoke or drink outside the main entrance of our premises. We therefore believe that the EHO’s comments and concerns are fully addressed by our application and that we can promote the licensing objectives in full.

Planning Issue

An area of real concern to Brew Monster is the raising of a planning issue by EHO. The comments made by the EHO are completely untrue and were made based on erroneous assumptions and lack of understanding of the situation.

Brew Monster has been in consultation with CCBC Planning department for some time. It is the Planning Department’s view that Brew Monster is in breach of planning rules through the use of the brewery yard for temporary events. However, it is Brew Monster’s view that

we are not in breach of the rules. Within planning rules there are allowances for temporary use of land under the “28 day rule” which permits alternative use of land without formal planning consent. The rules are complex and somewhat subjective, and whilst the Planning Department have their own interpretations of the rules, they differ to our interpretation and arguments.

Unfortunately, as we were unable to reconcile our positions, CCBC Planning decided to issue a breach of planning notice to Brew Monster. Unlike most other areas where the view of a public authority can be challenged by a commercial business through appeal, a breach of planning **does not** give such a right. It states clearly in the notice that there is NO process for appealing the notice. This has taken away our ability to challenge the views of the Planning Department and prove our innocence.

What is even more disappointing is that other departments such as Environmental Health and Licensing has jumped on this as evidence of Brew Monster management not having regard to rules and laws and using this against us in relation to our licensing application.

In reality, the enormous amount of time and effort that we have invested into understanding the rules, along with the time and costs we have invested into multiple licensing and planning applications over the last 3 years shows the contrary. We hold planning and licensing rules in high regard and have also sought to adhere to the rules in full. Where we wish to undertake activities that are not within the scope of our existing permissions as have always applied for permission at the earliest opportunity.

All the events that took place at our brewery yard had TENs in place. There were no instances of non-compliance during these events. In fact, following a meeting with Licensing, Gwent Police and EHO prior to the first TEN, we actually added additional conditions for the events on a voluntary basis to demonstrate our desire to meet and promote the licensing objectives.

In conclusion, we believe that the comments made by the EHO in relation to the breach of planning notice are:

- **not relevant to the licensing application,**
- **are misleading and do not reflect the true situation which is far more complex and nuanced than presented in the EHO representation, and**
- **are in any case fully addressed by the additional licensing conditions that have been agreed with Gwent Police.**

Response to Licensing Representation

Management and Controls

The licensing officer raises a number of issues to be covered by this report. In relation to the management and controls point, as noted previously, from discussion with Gwent Police we

have agreed to amend our conditions to include CCTV in the area immediately outside our premises which fully addresses the concerns raised by the Licensing Officer.

In preparation for events that we have previously held in our brewery yard for which we obtained TENs, we were diligent in planning the events to ensure that we had sufficient staff throughout the events and in putting in place additional procedures and controls to ensure the staff were able to properly manage the event. This included taking noise readings throughout the day, something we regularly do. This is an example of a control we have introduced internally, which is not required by any relevant authority or licence condition, but that we felt would ensure we meet the licensing objective and therefore we have introduced voluntarily.

Our preparation for the TEN events included meeting with representatives from the Relevant Authorities. Following the meeting we introduced additional procedures and controls that we felt would help ensure a successful event. Following the event a detailed email was sent to the attendees of the meeting, reporting back on areas we had discussed at the meeting, including the effectiveness of the procedures and controls we implemented. We received positive feedback from the relevant authorities in response to the email report.

Overall, we feel that our approach to planning and managing the events, and our post-evaluation of the events demonstrate our commitment to promoting the licensing objectives and working in partnership with the Relevant Authorities.

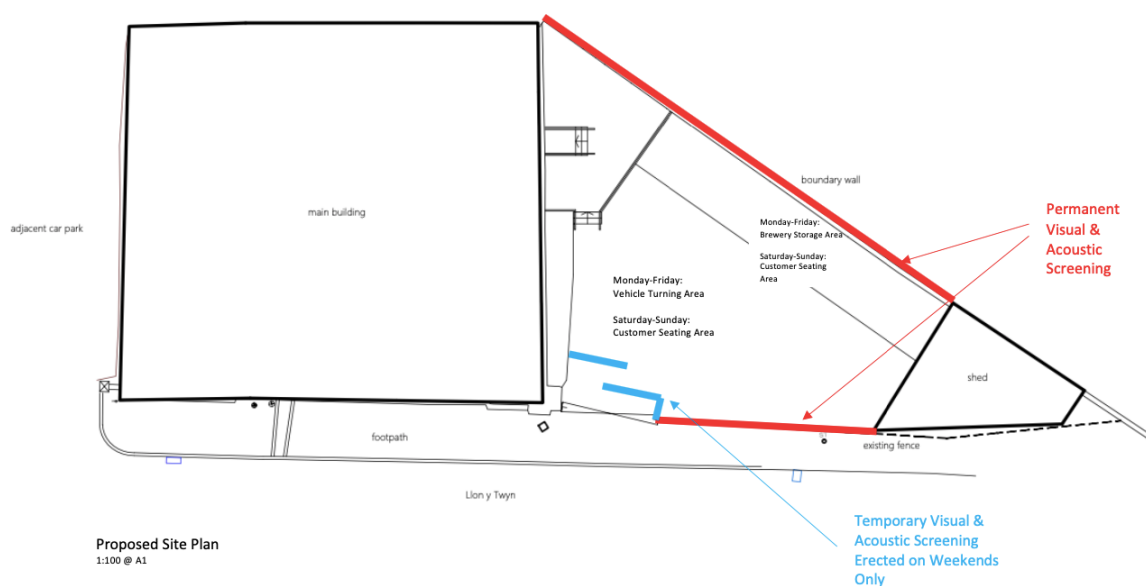
Planning Issue

Please refer to comments made above in response to EHO Representation.

Appendix – Extract from Planning Application Covering Letter Relating to Schedule of Works for Sound Mitigation

As part of our application, we have set out a detailed schedule of works to implement significant sound mitigation around our site for the protection of nearby residents. These proposed works represent a significant investment for our business and we believe it goes far further than is necessary for a development of this scale. However, it demonstrates our commitment to protecting the amenity of local residents and meeting our stated objective of being a 'good neighbour' and an asset to the town and county of Caerphilly.

The following diagram is an extract from the Site Layout Plan that accompanies this covering letter, and shows the general layout of the brewery yard and the location of noise reduction measures.



Note that permanent screening is proposed to be incorporated into the North Eastern and Southern boundaries of the site. The North Eastern boundary currently comprises a solid block wall and wood cladding (that has been offset by 50mm from the block wall to create an air gap). An additional layer of acoustic insulation membrane is proposed to be incorporated to further reduce any noise that could pass through the wall. Note that the wall is approx. 3m in height, well above head height of any person in the yard, particularly when seated.

We intend to erect a similar solid wall on the Southern boundary, inside (behind) the existing wooden fence. As a result there will be no noticeable change in appearance of the site from outside, but there will be increased privacy for both occupants of the brewery yard and local residents and pedestrians walking along Lon Y Twyn. Incorporated into the new wall will be multiple layers of timber sheets (plywood, OSB or similar), and acoustic insulation membrane, to reduce noise. The wall will be of the same height as the existing wooden fence, which is approx. 3m in height, well above head height of any person in the yard, particularly when seated.

As the gate will be required to be open during times that the brewery yard is in use, creating opportunity for noise to escape, we intend to create temporary screens, similar to those described above (solid timber sheeting and acoustic insulation membrane) that can be moved into place at weekends and then removed after the weekend. This ensures that the yard can continue to be used exactly as it is currently for brewery operations during weekdays when the brewery is operating.

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