



## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY - Environmental Health (Noise)

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

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

	<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 24<sup>th</sup> June 2023 identify the concerns over proximity to nearby residents "<i>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>".</p> <p>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 24<sup>th</sup> April 2023 with other responsible authorities for Licensing &amp; Gwent Police, but incidents have persisted. An officer's observations from a visit on 1<sup>st</sup> July 2023 highlights this concern "<i>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...</i>".</p> <p>At the meeting on 24<sup>th</sup> 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 18<sup>th</sup> 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> <p>To conclude, in my professional opinion based on what has been proposed, the ongoing noise</p>
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		<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><b>The Protection of Children from Harm</b></p>		
<p><b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b></p>		
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p><b>Yes or No</b></p>	<p>Yes</p>