

Supplement to the agenda for

Licensing sub-committee

Thursday 3 November 2022

2.15 pm

online meeting

	Pages
4. APPLICATION FOR AN OCCASIONAL GRANT OF A PREMISES LICENCE IN RESPECT OF 'GOLDEN WAKE DISTILLERY, ST MARTIN'S AVENUE, HEREFORD. HR2 7RQ- LICENSING ACT 2003	3 - 14
Supplementary information from applicant	



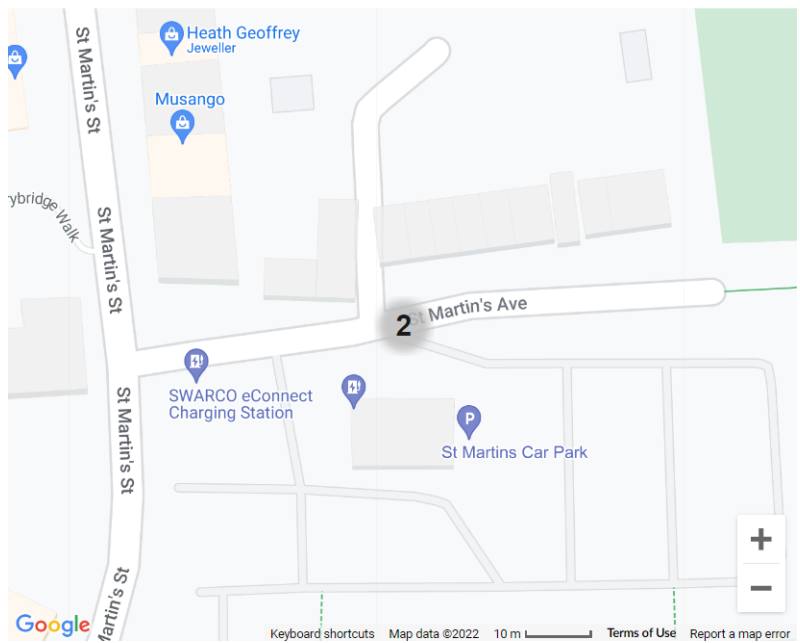
THE
LICENSING GUYS
KEEPING YOU LEGAL AND TRADING

CRIME & ASB Data
St Martin's Avenue
HEREFORD

Source:

Home Office / Police.UK site

Feb 2022:



All Crimes (399) ▾

February 2022 ▾

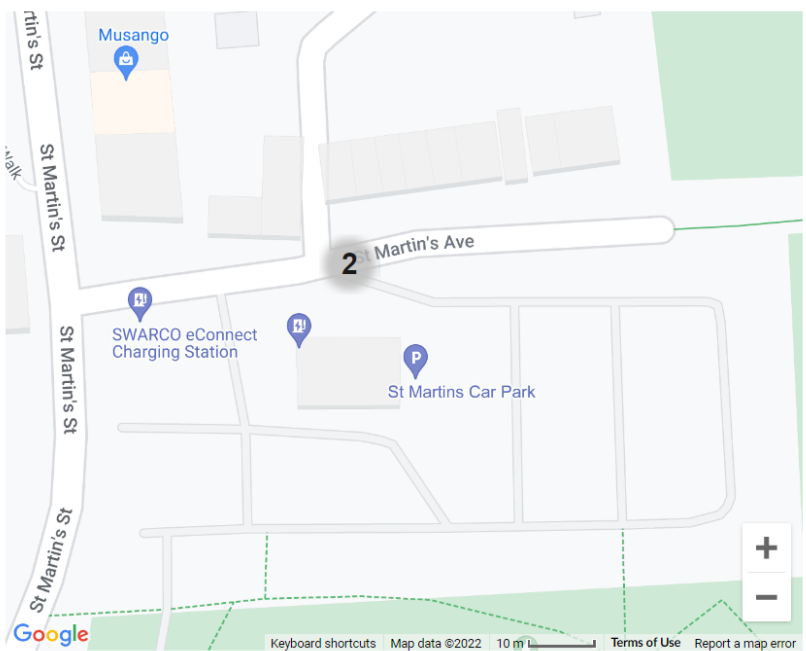
2 crimes were reported here in February 2022

Anti-social behaviour	1
Violence and sexual offences	1

[View crime definitions](#)

[Download area crime data](#)

Mar 2022:



All Crimes (423) ▾

March 2022 ▾

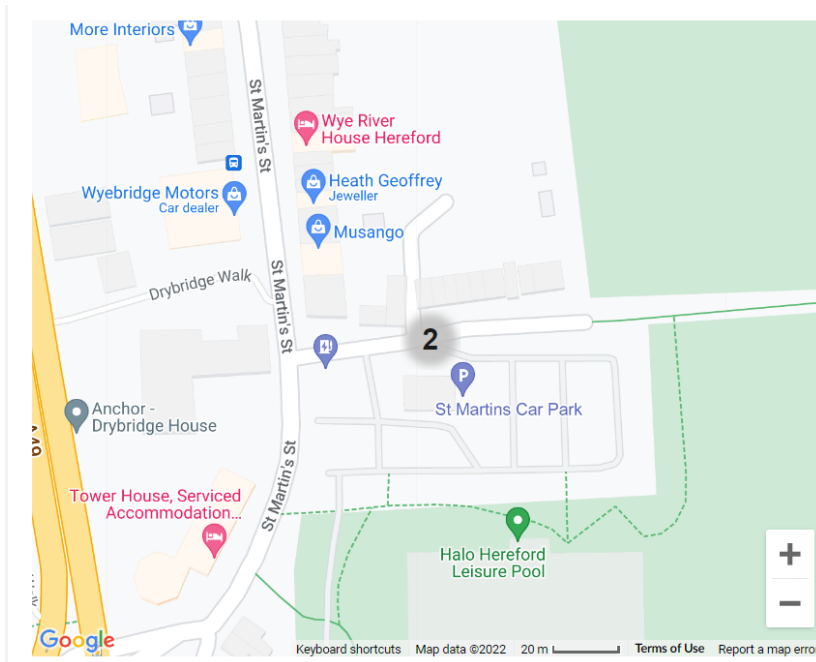
2 crimes were reported here in March 2022

Public order	1
Violence and sexual offences	1

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[Download area crime data](#)

April 2022



All Crimes (406) ▾

April 2022 ▾

2 crimes were reported here in April 2022

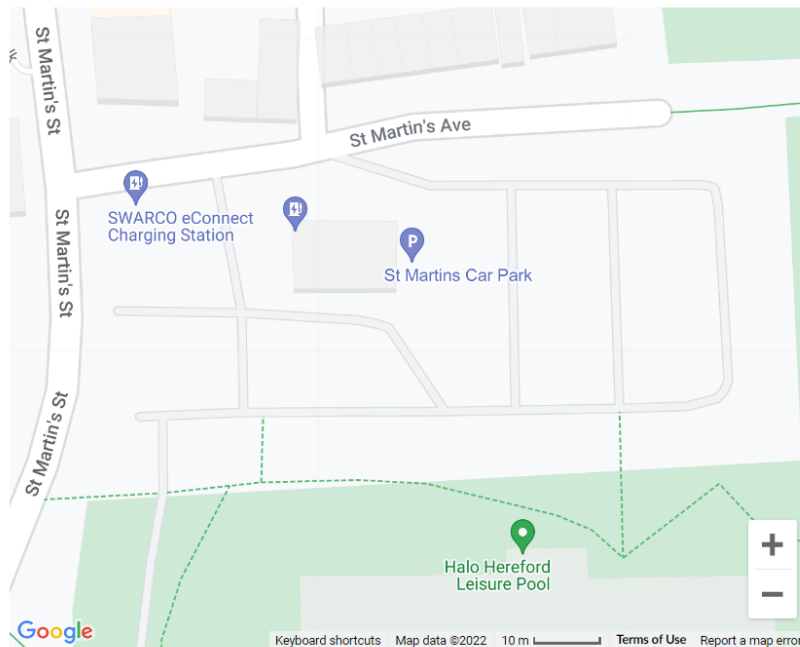
Public order	1
Violence and sexual offences	1

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[Download area crime data](#)

May 2022

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

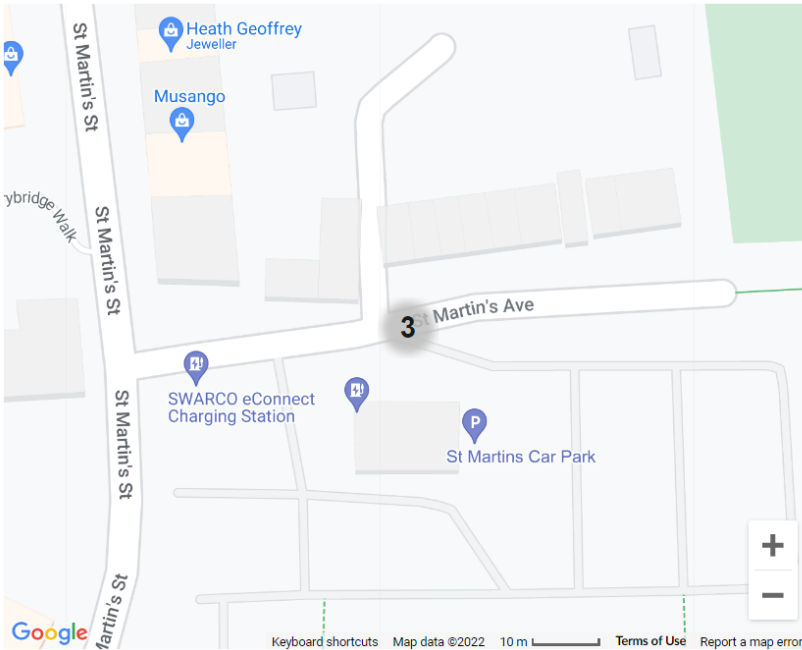
All Crimes (346) ▾

May 2022 ▾

[View crime definitions](#)

[Download area crime data](#)

June 2022:



All Crimes (405) ▼

June 2022 ▼

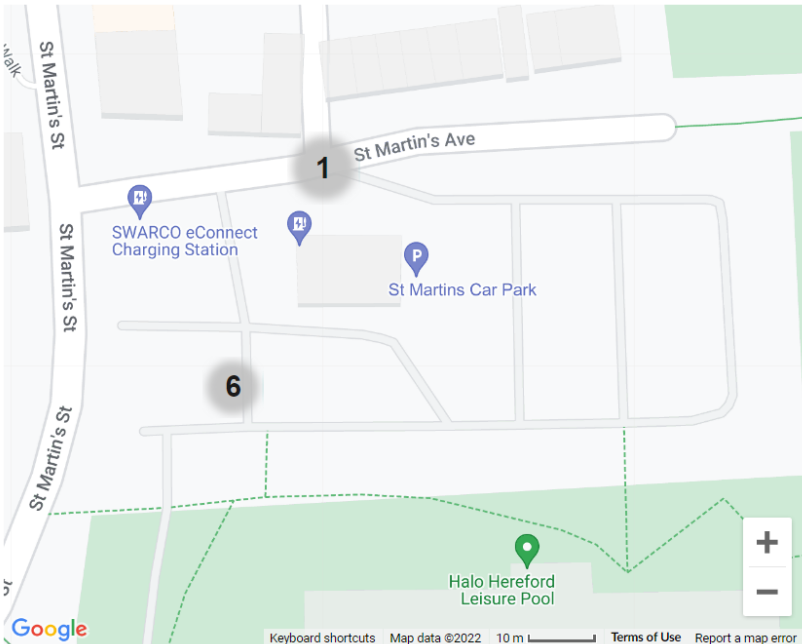
3 crimes were reported here in June 2022

Violence and sexual offences	2
Public order	1

[View crime definitions](#)

[Download area crime data](#)

July 2022:



All Crimes (351) ▼

July 2022 ▼

7 crimes were reported here in July 2022

Violence and sexual offences	5
Robbery	2

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[Download area crime data](#)

August 2022:

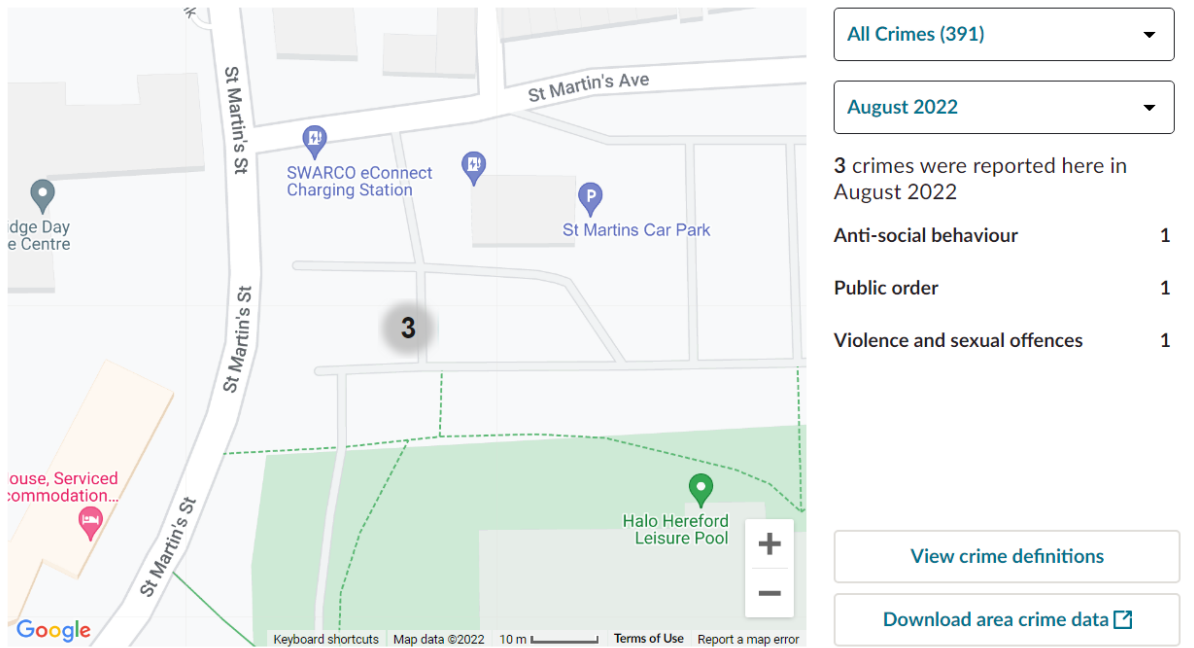


Table of Incidents:

	ASB	Public Order	Violence/ Sexual	Robbery	Total pcm
Feb	1		1		2
Mar		1	1		2
Apr		1	1		2
May					0
Jun		1	2		3
Jul			5	2	7
Aug	1	1	1		2
Total	2	4	11	2	18
Av pcm	0.3	0.6	1.6	0.3	2.6

Span: 212 days

Total Incidents: 18

That equates to one incident every 11.8 days (283 hrs).

Revised Description & Operating Schedule

Re Golden Wake Distillery

Operating Schedule

Please give a general description of the premises:

The Golden Wake Distillery is a start-up business, making high quality bottles of spirits that retail at between £27 and £35 per bottle. This constitutes a price of between two or three times the price of bottles of spirits retailed at the nearest licensed premises - nearby in Asda.

The applicant wishes to open a taphouse style premises that is open to the public where discerning customers can sample, purchase and imbibe these locally-produced quality products in a convivial atmosphere. This taphouse will complement their otherwise online sales presence, their other principal retail route to market.

The timings sought in the application form must cover the entire proposed operation, and therefore the applicant has correctly stated that he wishes to sell alcohol by retail over the internet, basing his pick, pack and despatch operation between 10:00 and 22:00hrs daily. The broad hours proposed is only to provide contingency to handle deliveries early in the morning or late into the evening at peak times of capacity, such as in processing orders for Christmas.

The applicant envisages opening the taproom only after 12:00hrs on the day when he chooses to operate, and will be closing that same taphouse by 22:00hrs at night. Therefore, this is NOT a 'late night' entertainment operation under any interpretation.

The location for these premises is a former toilet block set in the car park of the Leisure Pool in St Martins Avenue, HEREFORD. This building was previously defunct, derelict, boarded up and vandalised. It was a veritable eyesore which detracted from the general amenity and attractiveness of the entire area to the detriment of local residents, their properties and the broader public impression of the City alike. This application seeks to put this formerly dilapidated building back into service.

The applicant is aware that these premises border a Conservation Area. Firstly, these premises do not lie within the Conservation Area and therefore any related restrictions do not apply to these premises. Secondly, this was a pre-existing structure that had fallen into calamitous disrepair, and not been conserved – far from it – and the applicant has restored, refurbished and repurposed that otherwise derelict building. Thirdly, prior to commencing work, Planning Permission was sought by the applicant, and the change of permitted uses has been duly obtained. The following restoration and conversion of the building has cost the applicant in excess of £40,000 – such is the nature and quality of the enterprise.

The applicant has addressed his mind to any possible crime and disorder issues prevalent in the locality. Indeed, in removing the scrub and brash that had choked the previously vacant premises, he cleared away many sacks of broken bottles and

discarded hypodermic syringes, and cleaned off the excessive graffiti that had adorned its walls. None of that detritus has returned since that restoration.

Furthermore, a comprehensive CCTV system has been fitted to the building, with four cameras covering the interior and four further cameras covering the exterior. The presence of this CCTV now gives reassurance that this public space, perceived to be problematic to some, is now surveilled to an extent permitted by and commensurate with the ICO's Guidance. We are all aware of recent regrettable incidents reported in the vicinity of the river path and playing fields – and will no doubt be reassured that one of the main public access routes to these areas is now covered to a degree.

The applicant is also aware that there has been some concern voiced about public nuisance generated from other premises through their use of amplified music, and this has prompted fears that the same will ensue from these premises should it be granted a Premises Licence. However, the application is quite clear that there is no request for any form of Regulated Entertainment (e.g. Live and Recorded Music) contained within it. This functionality is simply not sought under the 2003 Act by the applicant.

On a similar point, there may also be some local concerns that there will be unruliness and disorderly behaviour in the areas abutting the new premises. However, the application clearly shows that there will be no beer garden or other form of consumption area outside the building. Customers simply will not be permitted to take open vessels from the premises. The applicant would also point out that the prices of his products are set so as to be 'reassuringly expensive' and therefore his premises would simply not attract potentially drunken, disorderly or unruly customers, who might find the products and pricing-structures of other venues in the City more attractive.

The applicant is minded about the possibilities that some people do drink and then drive under the influence of alcohol and over the prescribed limit, and is alive to and will be vigilant regarding that potential issue. However, nearly every other Licensed Premises in the City lacks a private car park and therefore a substantial proportion of their customers who arrive to socialise in Hereford must necessarily arrive by motor transport. He therefore cannot understand why his prospective premises should be viewed any differently from any other premises that does not have a private car park but is located adjacent to a public carpark e.g. every licensed premises in Widemarsh Street, Commercial Road, and (for example) The Saracen's Head and even The Barrels.

Consequently, having reflected upon the provisions of the Licensing Act 2003, the s182 Statutory Guidance issued by the Secretary of State, the Herefordshire Council Pool of Model Conditions for Licensing and the nature of the Representations received to date, and the Conditions already agreed with the Responsible Authorities, the applicant would like to amend the raft of Conditions offered to accompany this application to reflect national and local best practice, as attached...

RAFT of REVISED CONDITIONS now offered and agreed with the Responsible Authorities...

1. Prevention of Crime & Disorder:

CCTV

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or another responsible named individual. An operational weekly log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 101 immediately.

Incident Log

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- € any complaints received
- (d) any incidents of disorder
- € seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

Refusals Register

A written register of refusals will be kept including a description of the people who have been refused service due to drunkenness, disorderly or otherwise unruly behaviour, or are unable to provide required Identification to prove their age (see Challenge 25 below).

Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council on demand.

Staff Training

All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or other equivalent training within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

2. Public Safety

No open vessels shall be removed from the premises by customers.

A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept on the premises. Such kit shall contain:

- 1 x Guidance Leaflet,
- 60 x Wash proof Plasters,
- 6 x Eye Pads with Bandage,
- 8 x Triangular Bandages,
- 12 x Safety Pins,
- 16 x Assorted Sterile Dressings,
- 20 Moist Wipes,
- 3 Pairs Disposable Gloves

3. Prevention of Public Nuisance

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

All doors and windows at the premises shall be kept closed after 22:00hrs except during immediate access and egress.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

4. Protection of Children from Harm

No person under the age of 16 shall be permitted on the premises unless accompanied by an adult aged 21 or over.

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

Internet Sales

The Premises Licence Holder shall ensure that any person who purchases from the business website shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. Records of such checks shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council.

The terms and conditions of the company website will contain the following: -

- a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.
- b) An age confirmation requirement when registering to purchase.
- c) Reference to the operating of a Challenge 25 policy.

d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age.

Home Deliveries:

The person delivering the alcohol to any home address shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.