

## **Minutes of the meeting of Licensing sub-committee held at online meeting on Thursday 3 November 2022 at 2.15 pm**

**Present:** Councillor Paul Andrews (chairperson)  
Councillors: Clare Davies and Felicity Norman

**In attendance:** Councillor Ann-Marie Probert (observer)

**Officers:** Licensing technical officer, Senior Solicitor, Litigation and Senior Lawyer, Major Projects and Governance

### **179. APOLOGIES FOR ABSENCE**

Apologies were received from Cllr John Hardwick.

### **180. NAMED SUBSTITUTES (IF ANY)**

Cllr Clare Davies attended as substitute for Cllr John Hardwick.

### **181. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **182. 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**

Members of the licensing sub-committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda and the background papers and the supplements issued on 27 October 2022

Prior to the sub-committee making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. The sub-committee heard that conditions had been agreed with West Mercia Police and Trading Standards, as a result of which their representations had been withdrawn. A total of 13 relevant public representations had been received. Since publication of the report one (1) public representation had been withdrawn, with the member of the public stating they now better understood the nature of the business relating to the application. The licensing authority had not been notified that the conditions agreed by the applicant to address the concerns raised in the remaining public representations had done so.

The sub-committee heard public representations that:

- The licence applied for was very different from the description of the business that had been put forward at the time planning permission was granted;
- The location of the premises was the main cause for concern, being in the middle of the entrance to a public car park serving the city swimming pool, near to playgrounds and in a narrow street with incomplete footways;
- Neighbouring properties were occupied by many elderly people, and vulnerable people in a half-way house and multi-occupancy sheltered home;

- There was concern that visitors to the premises would park in the street rather than pay to park in the car park and that the movement of vehicles in and out of the car park presented a risk to visitors to the premises;
- There was a prolonged and persistent problem in the area of anti-social behaviour, inappropriate use of the car park at night, and litter – the presence of alcohol was not going to make the situation any better;
- The crime reports submitted by the applicant in the supplementary information were noted but many incidents went unreported;
- There was concern that conditions agreed to would not be enforced;
- Local residents were satisfied with the use of the building as a micro-brewery, with the associated limited traffic from delivery vehicles, but not for a drinking establishment.

The sub-committee then heard from the applicant via their agent that:

- This was a small start-up business retailing high quality spirits at a price point considerably more than other licensed premises in the local area;
- The tap house would complement the online sales presence, the hours applied for needed to cover the entire operation, including the online retail, however the intention was that the tap room would open from 12 noon until 10 pm only, and only on those days the applicant chose to operate;
- The building was a former toilet block which was defunct and derelict, attracting vandalism;
- The applicant had brought an eyesore back into service, removed scrub and rubbish that had accumulated and cleaned up the graffiti, none of which had since returned;
- The installation of CCTV cameras covering both the interior and exterior of the building would improve oversight of the area;
- The police and trading standards were satisfied with the proposed conditions and no other statutory bodies had raised objections to the application;
- Any pre-existing problems were not caused by this premises, no evidence had been presented that challenged or criticised the premises, applicant, designated premises supervisor or proposed schedule of operation;
- There would be no consumption area outside the building, no customer would be allowed to take open bottles outside;
- The objections raised were nothing more than speculation about problems that might arise if the application were granted.

Following questions from the sub-committee, the following was confirmed:

- It was intended that tours of the distillery would comprise groups of 12 -16 persons, with the tap room providing options for tasting and purchasing products afterwards;
- There was coach / minibus parking in the adjacent public car park.

The sub-committee carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

## **DECISION**

The sub-committee's decision is to approve the application as applied for subject to the revised description, Operating Schedule and revised conditions as set out in the supplement submitted by the applicant's agent.

## **REASONS**

The sub-committee had taken into account the written representations and information presented to the sub-committee today and fully recognise the concerns raised and the reasons why the representations were made, however the sub-committee consider that the application as amended will promote the licensing objectives.

The meeting ended at 3.36 pm

**Chairperson**