

# **COLCHESTER BOROUGH COUNCIL**

## **LICENSING SUB-COMMITTEE**

**16 August 2019**

### **MINUTES OF PROCEEDINGS**

At a meeting of the Licensing Sub-Committee held on 10 April at 10.00am in the Council Chamber, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Buston  
Councillor Chuah  
Councillor Hogg

#### **1. Membership**

*RESOLVED* that Councillor Buston be appointed Chairman.

#### **2. Minutes of Previous Meeting**

*RESOLVED* that the minutes of the hearings held on 10 April be approved as a correct record.

#### **3. Licensing Application**

The Assistant Director, Communities, submitted a report in relation to the following premises.

- **Putt in the Park, Castle Park**

#### **In Attendance**

David Beamish - Applicant  
Giovanna Apporthiniari, Colin Butterfield and Alderman Henry Spyvee- Objectors  
Rebekah Straughan, Legal Services  
Sarah White, Licensing Officer  
Zoe Gentry, Democratic Services Officer

Mrs White outlined the application in respect of Putt in the Park to which objections had been lodged by a number of residents; a representation in support of the application had also been submitted. There had been no responsible authority representations to the application.

Mr Beamish outlined the application explaining that he already operated three pitch and putt courses in London which were fully licensed; Colchester would be their first venue outside London. They operated the same formula at each venue, providing a pitch and putt course with a licensed café. Experience gained from operating the London venues indicated that people did not want to remain after the park was shut and therefore, they proposed closing in line with the Park closing times. Whilst the London establishments had later opening hours and could be hired for private parties, Mr Beamish explained that the location and size of the café meant that it was unlikely to be an attractive venue for private parties although children's parties may be held there.

The objectors addressed the Sub-Committee on the points made in their letters. A number of concerns were raised including concerns in relation to the hours of opening, noise, parking, disruption to wildlife, the Green Flag status of the Park, and whether there was a need to sell alcohol. In response to objectors concerns Mr Beamish reiterated that the hours of business would match those of the Park. Mention had been made by the objectors and the Sub-Committee of the arrangements for those nights when the Park was open late for events such as the fireworks and Mr Beamish responded that on such nights they would not open late to avoid the premises being used as a short cut to gain entrance to the Park. This matter, along with some other matters of concern such as opening times, would be controlled by the lease between the applicant and Colchester Borough Council.

**RESOLVED** that the application be granted.

### **Reasons for the determination**

In arriving at the decision, the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant and the objectors. It was noted that some of the points raised, including parking, the need for the premises and concerns for wildlife, were not within the remit of the Licensing Act 2003 and therefore could not be considered by the Sub-Committee.

The Sub-Committee considered the application and the representations made. It noted that the applicant had volunteered and undertaken that the premises would not be open for the sale of alcohol other than when the park was open or within the times as set out within the application (whichever time of closing shall be earlier); suitable steps would be taken to ensure that no alcoholic drinks were taken off the premises; background music internal to the café / clubhouse only would be played; and that there was no intention to apply for any further or late licences. In the light of the above the Sub-Committee determined to grant the application as applied for subject to the conditions set out.