

Licensing Sub-Committee	Item 6
Putt in the Park	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a new premises licence application under the Licensing Act 2003.
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1. Application

Applicant and Premises	
Application Type	New application for premises licence (M/095515)
Applicant	David Beamish
Premises	Putt in the Park
Premises Address	Castle Park High Street Colchester
Premises description	Newly built Pavilion and Putting Green with a seating area overlooking the putting green
Ward	Ward: Castle

Proposed licensable activities and hours

Supply of alcohol							
Off the premises							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	08.00	08.00	08.00	08.00	08.00	08.00	08.00
End	21.00	21.00	21.00	21.00	21.00	21.00	21.00
Seasonal variations	To close at the same time as the Park						
Non-standard timings							

Hours the premises are open to the public							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	08.00	08.00	08.00	08.00	08.00	08.00	08.00
End	21.00	21.00	21.00	21.00	21.00	21.00	21.00
Seasonal variations	To close at the same time as the Park						
Non-standard timings							

2. Conditions

Suggested conditions

The following conditions, based on the operating schedule, are suggested.

1. No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
2. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records must be made available for inspection upon request by a Police officer or an authorised officer of Colchester Borough Council.
3. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
4. The premises must install, operate and maintain a comprehensive digital CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the outside area must be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras must continually record while the premises are open to the public and recording must be kept available and unedited for a minimum of 31 days with the date and time stamping. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums must be provided.
5. Staff must regularly supervise the outside area and ensure that customers do not cause a public nuisance.
6. The premises must close when the Park closes.

3. Representations

Local Residents	Representations from local residents	See Appendix 3
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4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.9 Applicants are expected to consider all the matters relevant to their application; these include key factors and where appropriate special guidance in relation to the Town Centre Zone.

2.11 If there is a relevant representation, the application will be considered against the guidance contained within the policy and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.14 In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.15 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.

2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

3 Key Factors

3.1 The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly they can also impact negatively on an area by causing a wide variety of problems.

3.2 Our aim is to promote an 'inclusive' evening and night time economy throughout the Borough to ensure people of all ages can participate in and enjoy a range of activities. These Key Factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

KF1 - What we aim to encourage

3.13 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time economy such as late night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

Restaurants and Cafés as well as other less alcohol-dominated venues.

3.14 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be considered acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Restaurant	Yes until midnight	Yes until 00.30	Yes until 01.00
Late Night Takeaways *	Yes until 22.00	Yes until midnight	Yes until 01.00
Pub ** Bar	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Non-Alcohol Led – e.g.Theatres etc.	Yes until 23.00	Yes until midnight	Yes until 01.00

KF2 - The location of licensed premises

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard:
to the licensable activities applied for,
the size, structure and proposed capacity,
the type/nature of the business

- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

KF3 - Hours for licensed premises

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol- driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

KF5 Off-sales of alcohol

3.34 The Council has implemented a Public Space Protection Order for the town centre in order to address and prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.

3.35 In the light of the above therefore applicants are expected to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors. The Licensing Authority will give particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if there are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late night

disorder, the hours for alcohol sales from the premises may be restricted.

9. Town Centre Zone

9.3 There is evidence of problems associated with operation of licensed premises in the Town Centre Zone and the Licensing Authority wishes to see a decrease in the levels of crime and disorder and public nuisance already being experienced in the area. However, the authority does wish to diversify the evening and night time economy in in this area.

9.5 With this in mind, and **subject to compliance with the other requirements of the policy (in particular paragraph 3.14)**, the following guidance for new licences and material variations, where relevant representations have been made, is offered:-

a. The following venue types are strongly encouraged provided they do not undermine the licensing objectives and therefore the licensing policy:

- Restaurant
- Non-alcohol led premises
- Live entertainment venue
- Coffee shops

Please note

- In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating schedule.

5. Background Information

Information relevant to the licensing and/or operation of the premises

The premises is located within the Castle Park and the operational times of the premises are tied to the opening and closing hours of the Castle Park. They are therefore subject to seasonal variation.

6. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

Appendices

Appendix 1	Application
Appendix 2	Premises plans and location plan
Appendix 3	Representations from local residents

Report Author

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