

Boston Borough Council
Licensing Act 2003
Application for a Premises Licence
Decision Notice

Date of hearing	1000hrs – 28 August 2019
Members of Sub-Committee	Councillor Jonathan Noble Councillor Frank Pickett Councillor Stephen Woodliffe
Applicant(s) Name	Mr Riza Aslan
Premises Address	2 Eastwood Road, Boston
Date Application Received	3 July 2019
Details of Application	Application for a premises Licence under the Licensing Act 2003.

The Parties:

The Applicant, Mr Aslam has applied for a premises licence for premises at 2 Eastwood Road, Boston.

The application submitted is for the sale of alcohol for consumption off the premises between the hours of 0500hrs and midnight every day. The opening hours being the same.

Representation has been received from the Chief Officer of Police and a number of residents.

Policy and Guidance:

In reaching its decision, the sub-committee has considered the statutory guidance issued under S182 of the Licensing Act 2003 and Boston Borough Council's Statement of Licensing Policy.

Licensing Objectives:

The sub- committee has found that the licensing objectives of

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm

are relevant to this application.

Decision:

The sub-committee has decided to grant the Premises Licence with modified conditions.

Reasons:

The reasons for the Sub-Committee reaching this decision are as follows:

The sub-committee has read and heard all of the information before them.

The sub-committee is aware of and has taken into account any implications that may arise from the Human Rights Act 1998.

The sub-committee in reaching its decision has had due regard for its public sector equality duty under section 149 of the Equality Act 2010 and consider that in reaching their decision to grant the premises licence that they have fulfilled their duty under the Act.

In reaching their decision, the Sub-Committee has read all of the papers before them, and in addition heard from Fiona White, Licensing & Land Charges Manager, Ms Eatock on behalf of Mr Aslan and considered the representations received orally at the hearing from the Police and Ms Church, Councillor Staples, Mr Ogden, Mr Borrett and Councillor Dorrian.

The sub-committee heard that Mr Aslan is an experienced Premises Licence holder and DPS,

having run a similar premises in Wisbech for 3 years without issue.

The sub-committee heard how this will be Mr Aslan's first business which he will run alongside Ms Eatock; Mr Aslan will have day-to-day control, with Ms Eatock overseeing.

Mr Aslan submitted the application originally with the intention of meeting the needs of people who work unsociable hours alongside the more routine needs of the public. It was confirmed to the sub-committee that the applicant intends for the premises to be a supermarket type premises that also sells alcohol.

It was further confirmed to the sub-committee that the applicant was happy to agree to the suggested conditions put forward by Lincolnshire Police, how they have a waste contract commencing on 1 September 2019, but how they also intend to litter pick the locality themselves, along with lighting the carpark and shop front, and was also happy to look at having signage in different languages.

The applicant confirmed they would not tolerate loitering outside of the premises, and would encourage people to move on. Additionally, the applicant would operate Challenge 25, and would not sell to anyone who appeared drunk. In response to local residents' concerns regarding anti-social behaviour, the applicant confirmed they have installed CCTV, and they hoped this would act as a deterrent. The applicant also stressed a desire to work with local residents, the Parish Council, the neighbourhood watch and Lincolnshire Police.

In response to questioning, the applicant confirmed that there were other shops in the area with the same hours as that applied for (0500hrs – 0000hrs), and that the Co-Op and One Stop nearby have licences from 0600hrs until 2300hrs. Additionally, the applicant confirmed that they did have intentions to sell strong strength beer/lager/cider and would sell single cans.

The sub-committee also heard from a number of objectors, including Lincolnshire Police and some of the local residents who had submitted relevant written representations in response to the application.

The main concern highlighted and stressed to the sub-committee by all was the fact this is a residential area, completely unlike the town centre.

Lincolnshire Police confirmed that the area has a low number of criminal incidents and anti-social behaviour at present, and also highlighted that in allowing a premises to sell alcohol until

midnight would introduce additional noise and a greater opportunity for anti-social behaviour at an hour when other nearby premises do not operate. The Police suggested reduced hours of opening on a Sunday would go some way to address some of their concerns in this regard.

Additionally, Lincolnshire police and local residents have concerns regarding street drinking. It was stressed that the residential nature of the area requires the sub-committee to give careful consideration to the application in line with the council's licensing policy.

Local residents stressed concerns to the sub-committee concerning the car parking and the busy crossroads where the premises is located.

The applicant confirmed that there is a car park at the premises that they have cleared and so increased the amount of parking, and how they will discourage any parking on the street outside of the premises. The sub-committee noted the concerns regarding the busy junctions, but are aware of the parking provisions being put in place by the applicant and note that they will not add to any existing traffic issues.

It was also brought to the attention of the sub-committee that there are two other premises nearby, but the committee note that there is no evidence that this additional premises would have any form of cumulative impact if granted. The sub-committee is aware that there are concerns regarding the number of licensed premises in the town centre, but this location is some distance away.

During the hearing the applicant was asked whether they wished to amend their application. The applicant confirmed that they wished the sub-committee to consider an amended application as follows:

- For off sales only
- Sale of alcohol and opening hours to be 0600hrs until 2300hrs daily
- The conditions suggested by the Police (pages 26 to 28 of the committee report)

Accordingly, this is the application considered by the sub-committee.

Taking into consideration all that they have read and heard, along with having regard for the licensing objectives, the Licensing Act 2003, section 182 Guidance and the council's Statement of Licensing Policy the sub-committee has decided to grant the application as stated above, but

with the addition of 2 conditions preventing the sale of beer/cider/lager above 6.5% and prohibiting the sale of single cans of beer/cider/lager. The licence should also be endorsed with the mandatory conditions.

In reaching this decision, the sub-committee had regard for the residential nature of the area, the concerns of Lincolnshire Police and local residents regarding street drinking and anti-social behaviour, but also the current low crime/anti-social behaviour rate, and also the hours operated by nearby premises.

The sub-committee also commended the applicant's commitment to working with local residents and the police, and the steps they intend to take regarding litter, signage in different languages, people congregating, and with ensuring the car park is lit and sign posted. The sub-committee is also content that the applicant has experience of running premises and of being a DPS.

Accordingly, the application is granted as set out above.

Appeal Provisions

The sub-committee would like to remind the parties that there is a right of appeal to the Magistrates' Court under Section 181 of the Licensing Act 2003. The circumstances in which parties may appeal are detailed in Schedule 5 to the Licensing Act 2003.

The appeal must be commenced by notice of appeal to the Justice's Chief Executive for the Magistrates Court within the period of 21 days beginning with day on which the party was notified by the Licensing Authority of the decision being appealed against (i.e. the date of this decision notice).

Appeal should be made to Lincoln Magistrates' court at 358 High St, Lincoln, LN5 7QA

Upon hearing an appeal the Magistrates' Court may:

- a) Dismiss the appeal,
- b) Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
- c) Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

And make such order as to costs it thinks fit.

Licensing Sub-Committee
28 August 2019

Signed:

Fiona White
Licensing & Land Charges Manager
On behalf of the Licensing Sub-Committee
Date 2 September 2019