

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

Date of hearing	1000hrs – 1 October 2019
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Members of Sub-Committee	Councillor Jonathan Noble Councillor Frank Pickett Councillor Stephen Woodliffe
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Applicant(s) Name	Mrs Zahra Cagdas
Premises Address	Tates, 4-6 New Street, Boston
Represented by	Mr D Dadds
Date Application Received	27 June 2019
Details of Application	Application for a premises Licence under the Licensing Act 2003.

<p>The Parties:</p> <p>Mrs Cagdas has submitted an application for a premises licence for Tates, 4-6 New Street, Boston.</p> <p>The application submitted was for the sale of alcohol for consumption on and off the premises between the hours of 1100hrs and 2300 hours every day. The opening hours being the same.</p> <p>Representation has been received from the Chief Officer of Police.</p>

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 all of the licensing objectives are relevant to this application.

Decision:

The sub-committee has decided to grant the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application, having modified the conditions to such extent as the authority considers appropriate for the promotion of the licensing objectives.

Reasons:

Mrs White addressed the Sub-Committee to confirm that the applicant had requested a delay in holding the hearing as she had been out of the country. It was agreed by all parties that only the applicant was prejudiced by the delay, and so all parties had agreed to the delay. This is why the hearing was being held outside of the 20 day period.

The reasons for the sub-committee reaching this decision are as follows:

The sub-committee has read all of the information before them, and heard from Mrs White (Licensing and Land Charges Manager), Sergeant Enderby on behalf of Lincolnshire Police, Mr Dadds (on behalf of the applicant), and Mrs Cagdas (the applicant).

The Sub-Committee heard that prior to the hearing, how there had been a considerable amount of dialogue between the applicant, her representative and Lincolnshire Police.

The Sub-Committee had previously been presented with a set of proposed conditions, and were then advised during the hearing that all parties had agreed the conditions and some amendments to the application and were quite content with the application now.

Mr Dadds addressed the Sub-Committee to confirm the agreed conditions and the amendments

that were to be made to the application.

He confirmed on behalf of the applicant, that there had been a considerable amount of engagement with the police, and the parties had agreed a way forward. He explained that it was his opinion that had there been some pre-application discussions between the parties, that he did not believe that there would have been a need to hold a hearing, but as it was the Licensing Authority's discretion had been triggered and a hearing held.

When called upon, Lincolnshire Police confirmed their agreement with everything that Mr Dadds had said. They clarified that they are also happy with the proposed conditions and amendments, and felt that the proposed agreed conditions met the same aims of promoting the licensing objectives as the wording they had proposed in their representation.

It was confirmed by Mr Dadds that the applicant wanted to alter their application as follows:

Section J

- On-sales only
- Supply of alcohol hours- 11:00 to 22:30 Monday- Sunday

Section L

- Hours premises are open to the public- 11:00 to 23:00 Monday- Sunday

Section M

- Replace entirely with the agreed proposed conditions with the exception of proposed conditions 2 and 11 (attached)

In reaching their decision the Sub-Committee had due regard for all that they have read and heard, the Licensing objectives and the s182 Guidance. The Sub-Committee were also very mindful of the agreement now evident between the parties. The Sub-Committee were also very pleased to hear from the applicant herself how she has a business degree from Lincoln University, and how she is solely running the business.

Taking all of the above into consideration, the Sub-Committee decided that it was reasonable and proportionate, and would promote the licensing objectives, to grant the premises licence set out above in this decision notice.

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.

Signed:

Fiona White
On behalf of the Licensing Sub-Committee
Date 1 October 2019

AGREED PROPOSED CONDITIONS

1. The primary operation of the premises shall be whereby the sale of alcohol is ancillary to the sale of food and hot beverages.
2. The premises licence holder shall operate a challenge 25 or similar scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
3. A CCTV system must serve the premises, be maintained fully operational and in good working order at all times when the premises are open for sale of alcohol. Notices declaring the CCTV is in operation must be displayed both inside and outside the premises near the main entrance. The CCTV equipment shall make and maintain clear images that include all points of sale of alcohol and of the purchasers of alcohol. The CCTV recordings shall show an accurate date and time of when the recordings were made and all images shall be retained for a period of not less than 31 days. CCTV recordings shall be made available for viewing by any police officers or authorised persons upon demand. The original,

or a copy, shall be provided upon demand to any police officers or authorised person.

4. The premises shall prominently display signage at all entrances informing customers that:
 - CCTV is in operation throughout these premises.
 - Patrons respect the needs of the local residents/businesses and leave the area quietly.
 - A Challenge 25 scheme is in operation at the premises.
5. An incident log shall be kept at the premises, and made available on request to an authorised Local Authority or Police Officer, which will record the following:
 - Any refusal of the sale of alcohol.
 - Any incidents of disorder.
6. The premises licence holder shall ensure that all relevant staff shall receive induction training relating to the sale of alcohol and the times and conditions of the premises licence. The training shall be recorded, ongoing and made available to a relevant Responsible Authority upon reasonable request.
7. Alcohol supplied in the external seating area shall be decanted into polycarbonate drinking vessels.
8. No open drinking vessels will be allowed to be taken outside of the premises, save for drinks consumed in the outside seating area.
9. The external seating area shall close at 22.00 hours with last orders to be consumed outside taken no later than 21.30 hours.