

**Boston Borough Council
Licensing Act 2003
Temporary Event Notice
Decision Notice**

Date of hearing	16 December 2019
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Members of Sub-Committee	Councillor Tom Ashton Councillor Alison Austin Councillor Stephen Woodliffe
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Applicant(s) Name	Mr Burak Erdogan
Premises Address	The Assembly Rooms, Market Place, Boston
Date TENs Received	4 December 2019
Details of Application	Temporary Event Notice x 3

The Parties:

The premises user Mr Erdogan has submitted Temporary Event Notices for the sale of alcohol for consumption on the premises, late night refreshment and for regulated entertainment at The Assembly Rooms, Market Place, Boston as follows:

TEN 1

2200hrs on 20 December 2019 until 0500hrs the following day.
2200hrs on 21 December 2019 until 0500hrs the following day.

TEN 2

2200hrs on 24 December 2019 until 0500hrs the following day.
2200hrs on 26 December 2019 until 0500hrs the following day.

TEN 3

2200hrs on 28 December 2019 until 0500hrs the following day.

2200hrs on 31 December 2019 until 0600hrs the following day.

Objection notices have been received from the Chief Officer of Police and Environmental Health.

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 crime and disorder, public nuisance, prevention of public safety and protection of children from harm are relevant to this application.

Decision:

The sub-committee has decided to issue a counter notice in respect of all 3 Temporary Event Notices (TENs).

Reasons: The reasons for the sub-committee reaching this decision in relation to the Temporary Event Notice (TEN) 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 that they have fulfilled their duty under the Act.

The sub-committee heard from Mr Erdogan, Lincolnshire Police and Nick Davis on behalf of Environmental Health. The sub-committee has noted the contents of the police objection and has noted the issues that have arisen following a previous TEN – this included issues with the CCTV, lack of intervention from door staff in relation to incidents, evidence of drug use including

in an open area. Mr Erdogan had previously provided a risk assessment although the sub-committee noted that the police considered this inadequate. Mr Erdogan had not provided other documentation to the police as requested and the sub-committee noted Mr Erdogan produced some documentation during the hearing. The sub-committee noted that some of the paperwork was undated and there were some errors on the same.

Mr Erdogan advised that checks were made for ID but that it was impossible to search everyone. Mr Erdogan explained some paperwork had been taken from his car which had been broken into. Having heard and read all of the information the sub-committee does not consider it appropriate for the promotion of the licensing objectives to grant the TEN. The sub-committee has noted that the premises licence conditions could be attached to the TEN and whilst they note Environmental Health had not appeared to have any issues in relation to the prevention of nuisance conditions, they noted a lack of compliance with other conditions on the licence. With this in mind and the other issues found at the premises the sub-committee is of the view it is appropriate for the promotion of the licensing objectives to issue a counter notice in respect of all 3 TENs.

Signed:

Fiona White
Licensing & Land Charges Manager
On behalf of the Licensing Sub-Committee
17 December 2019