



Public Document Pack

Boston Borough Council

Chief Executive
Rob Barlow

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: 01205 314200

Monday 21 July 2025

Notice of meeting of the Licensing Sub-Committee

Dear Councillor

You are invited to attend a meeting of the Licensing Sub-Committee
on **Wednesday 30th July 2025 at 10.00 am**
in the Council Chamber - Municipal Buildings, West Street, Boston, PE21 8QR

Rob Barlow
Chief Executive

Membership:

Panel Members: Councillors Richard Austin BEM, Lina Savickiene and Stephen Woodliffe
Substitute: Councillor Jonathan Noble

Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.

This meeting may be subject to being recorded.

Agenda

Part I - Preliminaries

A Election of Chairman

B Apologies for Absence

To receive apologies for absence.

C Declarations of Interest

To receive declarations of interests in respect of any item on the agenda.

Part II - Agenda Items

1 3-4 Market Place, Boston

(Pages 1 - 114)

(A report by Christian Allen, Assistant Director - Regulatory.)

2 Exclusion of the Public and Press

To consider resolving –

- That under Regulation 14 of the Licensing Act 2003 (hearings) Regulations 2005, the public and press be excluded from the hearing for the following items of business on the grounds that the public interest in doing so outweighs the public interest in the hearing or that part of the hearing taking place in public.
- That under Section 100(A)(iv) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended).

Appendix 2 – Application Form

Appendix 4 – Police Representation

Notes:

Please contact Democratic Services (demservices@boston.gov.uk) if you have any queries about the agenda and documents for this meeting.

Council Members who are not able to attend the meeting should notify Democratic Services as soon as possible.

Alternative Versions

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please telephone 01205 314591.

The procedures for the hearing appear overleaf.

Licensing Hearing Procedure

1. The Sub-Committee deals with the Preliminaries.
2. The Applicant and the Senior Licensing Officer are invited into the room.
3. The Chairman invites introductions.
4. The Legal Advisor explains the procedures.
5. The Senior Licensing Officer presents her report.
6. Members of the Sub-Committee ask any questions of the Senior Licensing Officer in respect of the information they have received.
7. The Responsible Authorities are invited to address the Sub-Committee to present their case.
8. Members of the Sub-Committee ask questions of the Responsible Authorities.
9. The Applicant is invited to address the Sub-Committee to present their case.
10. Members of the Sub-Committee ask questions of the Applicant.
11. If required, Members of the Sub-Committee may then ask further questions of the Senior Licensing Officer, the Applicant and the Responsible Authorities in respect of the report.
12. The Chairman asks the Legal Advisor whether there are any other matters to be raised or resolved before the Sub-Committee retires to begin its deliberations.
13. The Chairman advises that the Members of the Sub-Committee will consider the report in private and make their decision. The Legal Advisor will remain with them, but will at no point take part in the deliberations; the Legal Advisor will give legal advice if required and the decision notice will contain details of this advice.
14. The Applicant, the Responsible Authorities and the Senior Licensing Officer are escorted from the room.
15. Once a decision has been made the decision and the reasons for the decision will be formally notified in writing by the Senior Licensing Officer within 5 working days.

This page is intentionally left blank



Report To:	Licensing Sub-Committee
Date:	30 July 2025 – 10.00am
Subject:	3-4 Market Place, Boston
Purpose:	To consider an application for a premises licence where relevant representation has been received
Key Decision:	No
Portfolio Holder:	N/A
Report Of:	Assistant Director - Regulatory
Report Author:	Anna McDowell - Senior Licensing Officer
Ward(s) Affected:	Not applicable
Exempt Report:	No

Summary

This is a hearing to consider an application for the grant of a Premises Licence, the applicant being Jaffna Ltd, following the receipt of a relevant representation.

The Licensing Act 2003 requires that the Licensing Sub-Committee determine an application where relevant representations have been received.

Recommendations

It is recommended that the Sub-Committee take into account all evidence and information received from the interested parties and the applicant and determine this matter.

Reasons for Recommendations

Section 18 (3) of the Licensing Act 2003 requires that:

“3. Where relevant representations are made, the authority must –

- a. hold a hearing to consider them, unless the authority, the applicant and each person who has made a representation agree that a hearing is unnecessary, and
- b. having regard to representations, take such of the steps mentioned in subsection 4 (if any) as it considers necessary for the promotion of the licensing objectives.”

Those steps are set out in the Licensing Act 2003 Section 18 (4) and are detailed in the main body of the report.

Other Options Considered

None

1. Background

- 1.1 On 10 June 2025 an application for the grant of a premises licence, under section 17 of the Licensing Act 2003, was received from Jaffna Ltd for premises situate at 3-4 Market Place, Boston.
- 1.2 The Local Authority requires that the applicant serves a copy of the application on the Responsible Authorities, advertises the application in a local news publication and places notice of the application details outside the premises. The Licensing Authority must also publish a notice on its website. It is confirmed that these requirements were complied with. However, the notice was not placed in a local newspaper within the prescribed timeframe, and it was necessary to recalculate the consultation period once the application had been successfully advertised.
- 1.3 A Responsible Authority or other person may submit a representation during the statutory 28-day consultation period.
- 1.4 The Licensing Act 2003 states that relevant representations mean representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Only parts of a representation that are relevant to the application and its impact on those objectives may be considered.
- 1.5 Where relevant representations are received the Licensing Authority encourages all parties to mediate and will assist in the facilitation of mediation discussions. Where agreement cannot be reached, the Licensing Act 2003 requires that a hearing is held to determine the application.
- 1.6 A Sub-Committee of the Licensing Committee previously determined an application for 3-4 Market Place in January 2025, details of which are contained within the police evidence.

2. Report

2.1 The application

2.1.1 An application for a Premises Licence was received for 3-4 Market Place, Boston. The premises is located in Boston town centre in a predominantly commercial use area. A location plan is attached at **appendix 1**.

2.1.2 The activities and hours applied for are detailed below and a copy of the application is attached at **appendix 2**.

The applicant seeks a licence to permit licensable activities as follows:

Sale by retail of alcohol for consumption off the premises

Monday – Sunday: 08.00 hours until 23.00 hours

The proposed opening hours reflect the hours for the supply of alcohol.

2.1.3 In submitting the application the applicant is required to describe any steps intended to be taken to promote the four licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.1.4 The steps the applicant intends to take to promote the licensing objectives, should the licence be granted, are in accordance with the operating schedule at section M of the application. Steps identified in the operating schedule are appended to a granted licence as conditions with which a licence holder must comply.

2.2 Relevant representations

2.2.1 On 26 June 2025 a relevant representation was received from Lincolnshire Police in their capacity as a responsible authority. The representation raises concerns regarding the operation of the premises in the centre of a Public Space Protection Order (PSPO) area, where alcohol related crime and antisocial behaviour is a prevalent issue. The PSPO was introduced in 2015 and restricts the consumption of alcohol within the defined area. A copy of the PSPO is attached at **appendix 3**.

2.2.2 The representation also highlights concerns regarding the applicants' understanding of the licensing regime and their responsibilities in running a licensed premises within the PSPO. The Police representation is supported by statements from Inspector Cotton, Neighbourhood Policing Inspector for Boston, and Peter Hunn, Community Safety Manager for Boston Borough Council. Lincolnshire Police have requested that the Sub-Committee refuse the grant of the premises licence. A copy of the representation is attached at **appendix 4**.

2.2.3 A party who has submitted a representation may choose to rely on their written submission or may attend the hearing to put their representation to the Sub-Committee. At the hearing the party may not add further representation to that disclosed to the applicant but may expand on the existing representation.

2.2.4 On 11 July 2025 Lincolnshire Police assisted Trading Standards with a test purchasing operation at the premises during which a member of staff made the sale of a vape to a minor. A statement from Lincolnshire Police in relation to this incident is attached at **appendix 5**.

2.3 Options

2.3.1 In making their determination and having had regard to all information presented, the Sub-Committee must take such steps as considered appropriate for the promotion of the licensing objectives. These steps are set out in the Licensing Act 2003 Section 18 (4) as follows:

- To grant the licence, subject to mandatory conditions and conditions in the operating schedule;
- To grant the licence with modified conditions;
- Exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

2.4 Considerations

2.4.1 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what would be suitable to achieve that end. This does not require a licensing authority to decide that no lesser step will achieve the aim, but the authority should aim to consider the potential burden that the condition would impose on the Premises Licence holder as well as the potential benefit in terms of the promotion of the licensing objectives.

2.4.2 It is imperative that the Sub-Committee ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside of those parameters and determination must be based on an assessment of the evidence of both the risks and benefits either for or against making the determination.

2.4.3 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. If consideration is given to attaching or amending conditions, they:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the licence holder by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the 2003 Act or any other legislation;
- Should be proportionate, justifiable and capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the

behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- Should be written in a prescriptive format.

2.4.4 In determining the application, the licensing authority must give appropriate weight to:

- The Licensing Authority's Statement of Licensing Policy. Relevant extracts of which are attached at **appendix 6**.
- The statutory guidance issued under section 182 of the Licensing Act 2003. Relevant extracts of which, are attached at **appendix 7**.

2.5 Human Rights & Equalities

2.5.1 In determining the review the Sub-Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Human Rights Act it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights.

2.5.2 When determining the application, the Sub-Committee should be satisfied that any decision which interferes with the rights of the licence holder, or of any other person, only does so insofar as is necessary to protect the rights of others and that no alternative decision would be more appropriate.

2.5.3 The Sub-Committee, in its decision-making, must have due regard to its public sector equality duty under section 149 of the Equality Act 2010. A copy of section 149 of the Act is attached at **appendix 8**.

2.6 Appeal

2.6.1 The applicant may appeal the decision made by the Sub-Committee to the Magistrates Court. Any appeal must be made within 21 days of the day on which the appellant is notified, in writing, by the Licensing Authority of the decision to be appealed against.

2.6.2 The determination does not take effect until the end of the period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

3. Conclusion

3.1 The Committee must come to its determination based on an assessment of the evidence of both the risks and benefits either for or against granting a licence.

3.2 When considering the evidence, the Sub-Committee must satisfy themselves whether or not the licensing objectives would be promoted as the application stands. The Sub-Committee must have regard to evidence, not speculation. In the case of a new application/new premises, the history and makeup of the site (and surrounding area) and the history of the applicant will be relevant, if sufficiently evidenced.

3.3 The Sub-Committee should seek to focus the hearing on the relevant parts of representations only and the steps considered appropriate to promote the particular licensing objective(s) that have given rise to the representations and avoid straying into undisputed areas. Any matter which is not about the likely effect of the grant of the licence on the promotion of one or more of the four licensing objectives is not, in accordance with the Licensing Act 2003, relevant and therefore cannot be considered.

- 3.4 The Sub-Committee must give full reasons for its decision.
- 3.5 In making its' determination, the Sub-Committee must evidence that they have had due regard for all that they have read and heard, to the Licensing Authority's Statement of Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003, and their public sector duty under Section 149 of the Equality Act 2010.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

Safe and Resilient Communities – We are working with partners and local communities to ensure the sub region is a place where people feel safe, secure and welcome.

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

There is a risk that an appeal is lodged with Lincolnshire Magistrate's Court against the decision of the Licensing Sub – Committee.

Data Protection

Certain personal details relating to the applicant have been redacted from the public agenda pack for data protection purposes.

Financial

None

Risk Management

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

Stakeholder / Consultation / Timescales

None

Reputation

There is a risk that the Council's reputation could be damaged if the requirements of licensing legislation are not implemented in the prescribed manner.

Contracts

None

Crime and Disorder

The Council has a duty to promote and ensure compliance with the licensing objectives of, the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.

Equality and Diversity / Human Rights / Safeguarding

Equality Implications: Under the Human Rights Act 1998, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Human Rights: The licensing authority must have due regard to its public sector equality duty under section 149 of the Equality Act 2010.

Safeguarding Implications: None

Health and Wellbeing

None

Climate Change and Environmental Implications

None

Acronyms

PSPO – Public Space Protection Order

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1	Location plan
Appendix 2	Premises licence application
Appendix 3	Public Space Protection Order
Appendix 4	Representation - Lincolnshire Police
Appendix 5	Witness Statement from Lincolnshire Police
Appendix 6	Extract - Statement of licensing policy
Appendix 7	Extract – Section 182 Guidance
Appendix 8	Section 149 – Equality Act 2010

Background Papers

A report on this item has not been previously considered by a Council body.

Chronological History of this Report

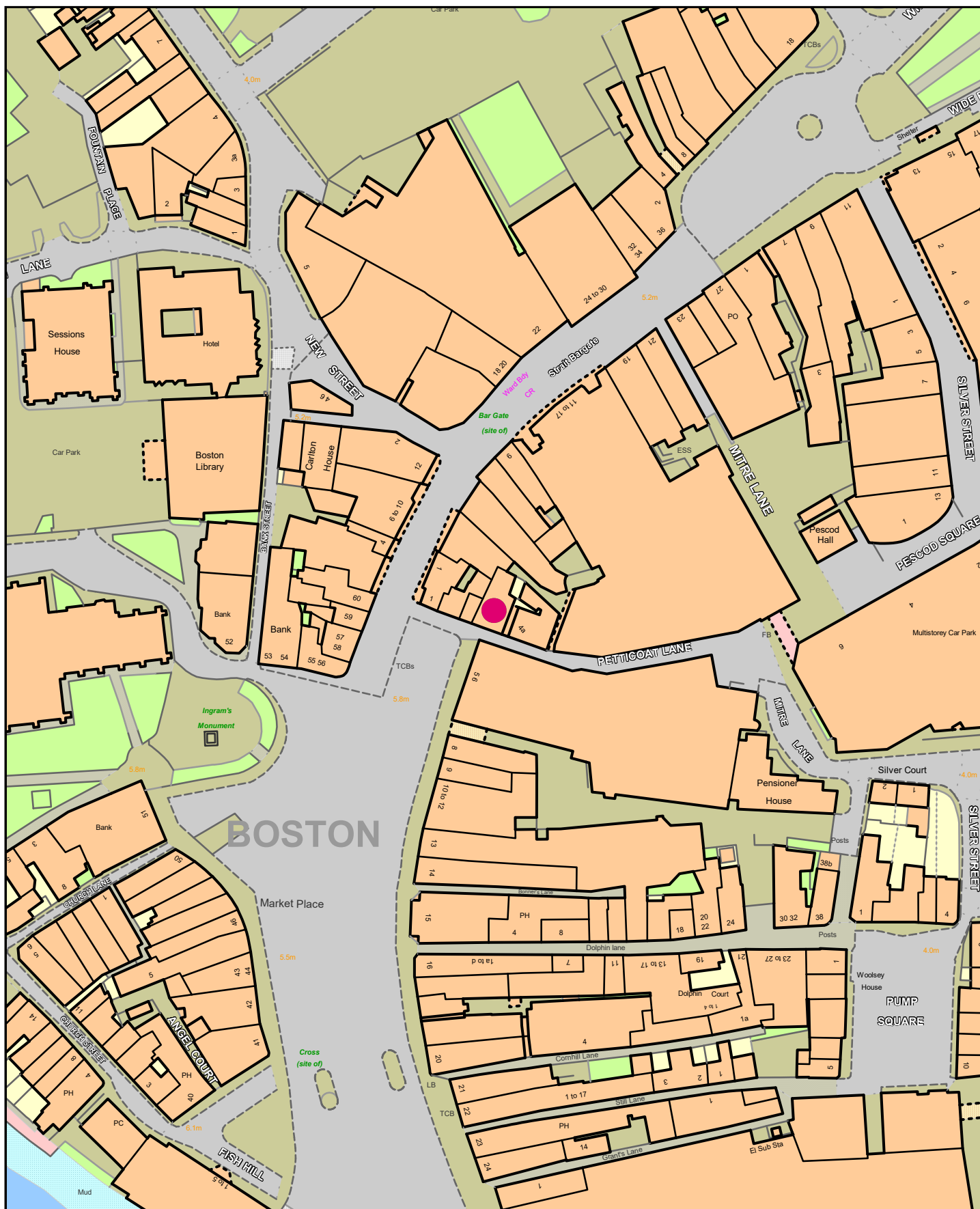
None

Report Approval

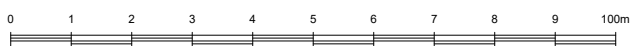
Report author: Anna McDowell, Senior Licensing Officer
anna.mcdowell@boston.gov.uk

Signed off by: Christian Allen, Assistant Director – Regulatory
christian.allen@boston.gov.uk

Approved for publication: Christian Allen, Assistant Director – Regulatory
christian.allen@boston.gov.uk



Simple A4 Portrait 1:1,250 Scale



© Crown copyright. All rights reserved 100024661 2025

This page is intentionally left blank

Application for a premises licence to be granted
under the Licensing Act 2003

10 JUN 2026

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Jaffna Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 3-4 Market place Boston			
Post town	Boston	Postcode	PE216EQ
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		£36,000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i as a limited company/limited liability partnership</p> <p style="padding-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="padding-left: 20px;">iii as an unincorporated association or</p> <p style="padding-left: 20px;">iv other (for example a statutory corporation)</p> <p>c) a recognised club</p> <p>d) a charity</p> <p>e) the proprietor of an educational establishment</p> <p>f) a health service body</p> <p>g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales</p> | <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> |
|--|--|--|

- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ Please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of His Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Premier Pilgrim's Convenience
Address 3-4 market place Boston
Registered number (where applicable) 13972267
Description of applicant (for example, partnership, company, unincorporated association etc.) Ltd Company - Jaffna Ltd Trading as Premier Pilgrims Convenience
Telephone number (if any) [REDACTED]
E-mail address (optional) admin@jaffnaltd.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	9	0 7 2 0 2 5

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

This is a three-storey terraced building located in the heart of Boston Market Place, positioned adjacent to well-known national retailers such as Poundland and Savers. The premises comprise a ground floor, first floor, and second floor. The ground floor will serve as the main trading area, while the upper floors are allocated for storage, staff facilities, and washroom amenities. The sale of alcohol for consumption off the premises will take place exclusively on the ground floor. Spirits will be securely stored behind the sales counter, and a large, refrigerated chiller located at the rear of the shop will be used to display beers and other chilled alcoholic beverages. For further details, please refer to the attached floor plan, shop front design, and counter layout.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

n/a

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				
			State any seasonal variations for indoor sporting events (please read guidance note 5)	
Wed				
Thur				
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri				
Sat				
Sun				

--	--	--	--

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08:00	23:00	n/a		
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
			n/a		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
[REDACTED]	
Date of birth	
[REDACTED]	
Address	
[REDACTED]	
Postcode	
[REDACTED]	
Personal licence number (if known)	
[REDACTED]	
Issuing licensing authority (if known)	
[REDACTED]	

☐ ☐ ☐ ☐

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

n/a

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

To promote the four licensing objectives—the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm, and public safety—I have outlined below the measures I have implemented, or will implement, to ensure f

b) The prevention of crime and disorder

Installed CCTV cameras (attached) – records will be stored for minimum 31 days and will be made available to authorities upon request

Staff – staff will be provided refresher training and conflict managements training

Incident logbook to be maintained

Strict policy for refusal for anyone intoxicated, aggressive or underage

We will liaise with local authorities and community enforcements and local police

c) public safety

Shop cleanliness will be maintained, and wet floor signs will be placed if floors are mopped

Risk assessment will be carried out including fire safety

Clear lighting for entrance and exits

First Aid kits will be available and dated

Incident reporting book will be maintained

d) The prevention of public nuisance

Bin areas will be kept clear of litter,

No single sale of beers lager or ciders

No beers or lagers above 6.5% volume

Doors and windows will be kept close except for trading hours access only

Signage and customer awareness clearly will be displayed

e) The protection of children from harm

Staff will be trained about challenge 25- anyone appears to be 25 will be asked to verify their age through IDs.

Prominent signage will be displayed at the point of sales stating that its illegal to sell alcohol under 18 and the proof of ID required to prove their age.

Staff will be trained to be alerted to children unaccompanied are not loitering and take necessary action if this occurs.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. ☐
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	09/06/2025
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

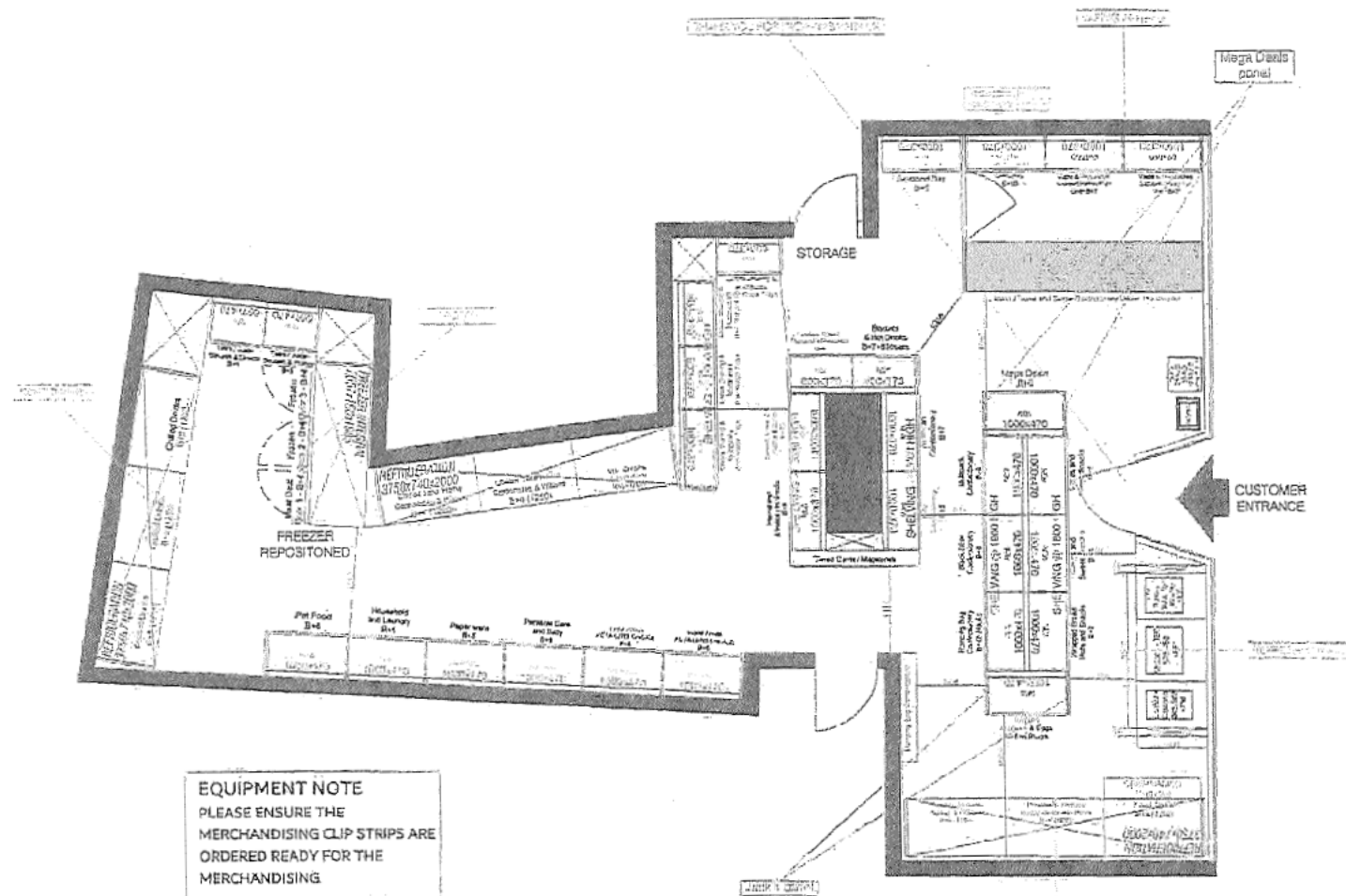
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the

STORE LAYOUT PLAN 2

**Premier****PILGRIMS
CONVENIENCE**

Address	3-4 Market Place Boston Lincolnshire PE21 6EQ
Drawing Type	Proposed
Store Type	Standard
Store Size	972 sqft
Building Size	sqft
Drawn By	Stuart Heyes
Scale @ A2	1:50
Date	17.04.2025
Revision	2
Signed Off	No

Notes

1. All dimensions are in millimetres unless otherwise stated.
2. All dimensions are to the centre line of the wall unless otherwise stated.
3. All dimensions are to the face of the wall unless otherwise stated.
4. All dimensions are to the face of the wall unless otherwise stated.
5. All dimensions are to the face of the wall unless otherwise stated.
6. All dimensions are to the face of the wall unless otherwise stated.
7. All dimensions are to the face of the wall unless otherwise stated.
8. All dimensions are to the face of the wall unless otherwise stated.
9. All dimensions are to the face of the wall unless otherwise stated.
10. All dimensions are to the face of the wall unless otherwise stated.
11. All dimensions are to the face of the wall unless otherwise stated.
12. All dimensions are to the face of the wall unless otherwise stated.
13. All dimensions are to the face of the wall unless otherwise stated.
14. All dimensions are to the face of the wall unless otherwise stated.
15. All dimensions are to the face of the wall unless otherwise stated.
16. All dimensions are to the face of the wall unless otherwise stated.
17. All dimensions are to the face of the wall unless otherwise stated.
18. All dimensions are to the face of the wall unless otherwise stated.
19. All dimensions are to the face of the wall unless otherwise stated.
20. All dimensions are to the face of the wall unless otherwise stated.
21. All dimensions are to the face of the wall unless otherwise stated.
22. All dimensions are to the face of the wall unless otherwise stated.
23. All dimensions are to the face of the wall unless otherwise stated.
24. All dimensions are to the face of the wall unless otherwise stated.
25. All dimensions are to the face of the wall unless otherwise stated.
26. All dimensions are to the face of the wall unless otherwise stated.
27. All dimensions are to the face of the wall unless otherwise stated.
28. All dimensions are to the face of the wall unless otherwise stated.
29. All dimensions are to the face of the wall unless otherwise stated.
30. All dimensions are to the face of the wall unless otherwise stated.
31. All dimensions are to the face of the wall unless otherwise stated.
32. All dimensions are to the face of the wall unless otherwise stated.
33. All dimensions are to the face of the wall unless otherwise stated.
34. All dimensions are to the face of the wall unless otherwise stated.
35. All dimensions are to the face of the wall unless otherwise stated.
36. All dimensions are to the face of the wall unless otherwise stated.
37. All dimensions are to the face of the wall unless otherwise stated.
38. All dimensions are to the face of the wall unless otherwise stated.
39. All dimensions are to the face of the wall unless otherwise stated.
40. All dimensions are to the face of the wall unless otherwise stated.
41. All dimensions are to the face of the wall unless otherwise stated.
42. All dimensions are to the face of the wall unless otherwise stated.
43. All dimensions are to the face of the wall unless otherwise stated.
44. All dimensions are to the face of the wall unless otherwise stated.
45. All dimensions are to the face of the wall unless otherwise stated.
46. All dimensions are to the face of the wall unless otherwise stated.
47. All dimensions are to the face of the wall unless otherwise stated.
48. All dimensions are to the face of the wall unless otherwise stated.
49. All dimensions are to the face of the wall unless otherwise stated.
50. All dimensions are to the face of the wall unless otherwise stated.
51. All dimensions are to the face of the wall unless otherwise stated.
52. All dimensions are to the face of the wall unless otherwise stated.
53. All dimensions are to the face of the wall unless otherwise stated.
54. All dimensions are to the face of the wall unless otherwise stated.
55. All dimensions are to the face of the wall unless otherwise stated.
56. All dimensions are to the face of the wall unless otherwise stated.
57. All dimensions are to the face of the wall unless otherwise stated.
58. All dimensions are to the face of the wall unless otherwise stated.
59. All dimensions are to the face of the wall unless otherwise stated.
60. All dimensions are to the face of the wall unless otherwise stated.
61. All dimensions are to the face of the wall unless otherwise stated.
62. All dimensions are to the face of the wall unless otherwise stated.
63. All dimensions are to the face of the wall unless otherwise stated.
64. All dimensions are to the face of the wall unless otherwise stated.
65. All dimensions are to the face of the wall unless otherwise stated.
66. All dimensions are to the face of the wall unless otherwise stated.
67. All dimensions are to the face of the wall unless otherwise stated.
68. All dimensions are to the face of the wall unless otherwise stated.
69. All dimensions are to the face of the wall unless otherwise stated.
70. All dimensions are to the face of the wall unless otherwise stated.
71. All dimensions are to the face of the wall unless otherwise stated.
72. All dimensions are to the face of the wall unless otherwise stated.
73. All dimensions are to the face of the wall unless otherwise stated.
74. All dimensions are to the face of the wall unless otherwise stated.
75. All dimensions are to the face of the wall unless otherwise stated.
76. All dimensions are to the face of the wall unless otherwise stated.
77. All dimensions are to the face of the wall unless otherwise stated.
78. All dimensions are to the face of the wall unless otherwise stated.
79. All dimensions are to the face of the wall unless otherwise stated.
80. All dimensions are to the face of the wall unless otherwise stated.
81. All dimensions are to the face of the wall unless otherwise stated.
82. All dimensions are to the face of the wall unless otherwise stated.
83. All dimensions are to the face of the wall unless otherwise stated.
84. All dimensions are to the face of the wall unless otherwise stated.
85. All dimensions are to the face of the wall unless otherwise stated.
86. All dimensions are to the face of the wall unless otherwise stated.
87. All dimensions are to the face of the wall unless otherwise stated.
88. All dimensions are to the face of the wall unless otherwise stated.
89. All dimensions are to the face of the wall unless otherwise stated.
90. All dimensions are to the face of the wall unless otherwise stated.
91. All dimensions are to the face of the wall unless otherwise stated.
92. All dimensions are to the face of the wall unless otherwise stated.
93. All dimensions are to the face of the wall unless otherwise stated.
94. All dimensions are to the face of the wall unless otherwise stated.
95. All dimensions are to the face of the wall unless otherwise stated.
96. All dimensions are to the face of the wall unless otherwise stated.
97. All dimensions are to the face of the wall unless otherwise stated.
98. All dimensions are to the face of the wall unless otherwise stated.
99. All dimensions are to the face of the wall unless otherwise stated.
100. All dimensions are to the face of the wall unless otherwise stated.

Premier

Drawing by Alpen Signs Ltd for
Consumer Services
Booker Retail Partners GB Limited
Irthlingborough Road, Wellingborough
Northants
NN8 1LT

Client
Alpen Code
RDM
Drawing By
Date
Version

Premier: Pilgrims Convenience
31466
Shane Marshall
Ryan Fish
06.05.2025
1.0

alpensigns



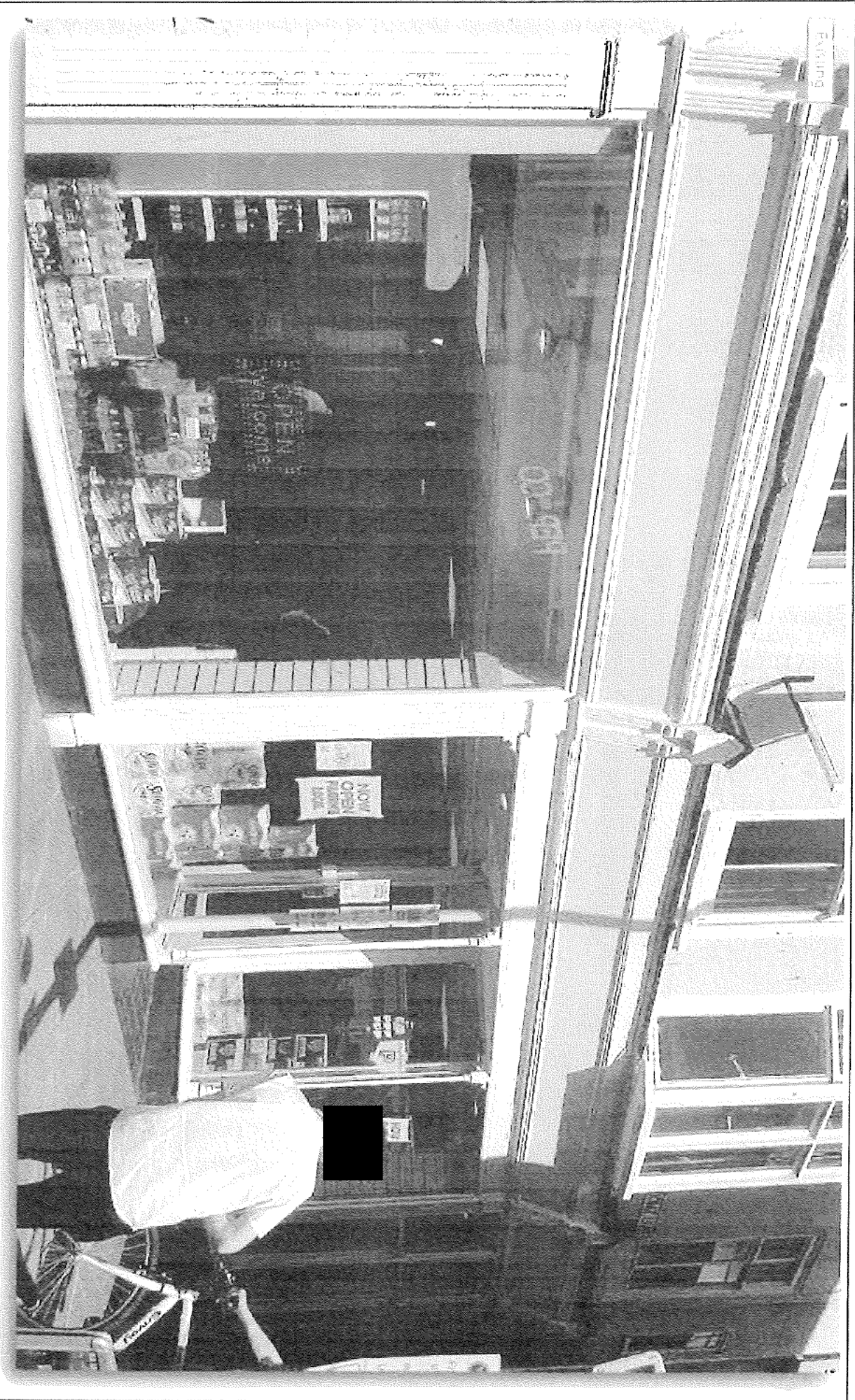
Drawing by Alpen Signs Ltd for
Consumer Services
Booker Retail Partners GB Limited
Irthingborough Road, Welldon
Northants
NN8 1LT

Premier

Client
Alpen Code
RDM
Drawing By
Date
Version

Premier: Pilgrims Convenience
31466
Shane Marshall
Ryan Fish
06.05.2025
1.0

alpen signs



Premier

Drawing by Alpen Signs Ltd for
Consumer Services
Booker Retail Partners GB Limited
Irthlingborough Road, Wellingborough
Northants
NN8 1LT

Client
Premier Pilgrims Convenience
31466
Alpen Code
RDM
Drawing By
Shane Marshall
Date
Ryan Fish
06.05.2025
Version
1.0

alpensigns

Internal Perimeter Hanging Signs

SOFT DRINKS

DAIRY

FROZEN

READY MEALS

REFRESH @ Premier

REFRESH @ Premier

6x Foamex panels with straight cut vinyl lettering applied to face.
Pre-drilled holes in panels to allow for hanging fixtures.

Size: 1000mm x 200mm

**TOBACCO
SOLD HERE**

IT IS ILLEGAL TO
SELL TOBACCO
AND/OR ALCOHOL
TO ANYONE UNDER
THE AGE OF 18

VAPING @ Premier

2x Foamex panels with straight cut vinyl lettering applied to face.
Pre-drilled holes in panels to allow for hanging fixtures.

Size: 1000mm x 180mm

**THANK YOU FOR
SHOPPING WITH US**

1x Foamex panels with straight cut vinyl lettering applied to face.

Size: 955mm x 180mm

Internal Freezer Unit Header Graphic

FROZEN FOOD



1x Digitally printed vinyl graphics applied onto freezer unit header panel.
Size: 2030mm x 160mm

Premier

Drawing by Alpen Signs Ltd for
Consumer Services
Booker Retail Partners GB Limited
Irthlingborough Road, Wellingborough
Northants
NN8 1LT

Client
Premier Pilgrims Convenience
Alpen Code
31466
RDM
Shane Marshall
Drawing By
Ryan Fish
Date
06.05.2025
Version
1.0

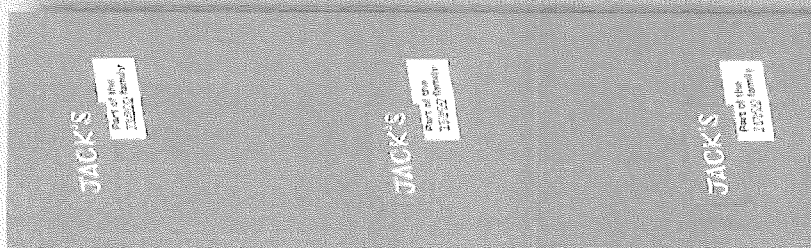
alpensigns

Internal Gondola End/Empty Space Graphics



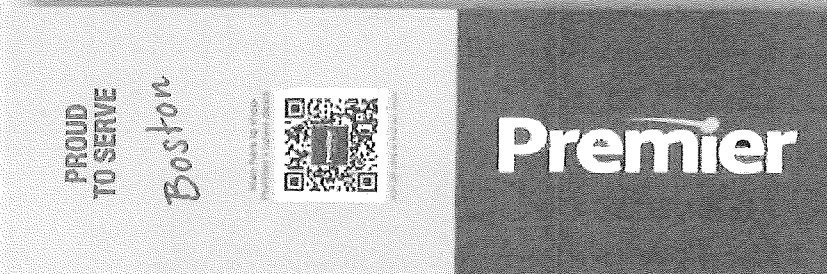
2x Digitally printed vinyl graphic applied onto gondola side panels.

Size: 550mm x 1900mm TBC



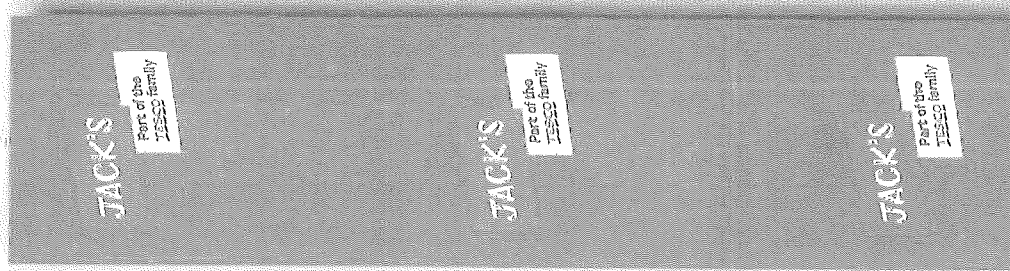
1x Digitally printed vinyl graphic applied onto gondola side panels.

Size: 550mm x 1900mm TBC



1x Digitally printed vinyl graphic applied onto empty space area.

Size: 630mm x 1950mm



1x Digitally printed vinyl graphic applied onto empty space area.

Size: 580mm x 2360mm

Drawing by Alpen Signs Ltd for
Consumer Services
Booker Retail Partners GB Limited
Irthlingborough Road, Wellingborough
Northants
NN8 1LT

Premier

Premier: Pilgrims Convenience
31466
Shane Marshall
Ryan Fish
06.05.2025
1.0

Client
Alpen Code
RDM
Drawing By
Date
Version

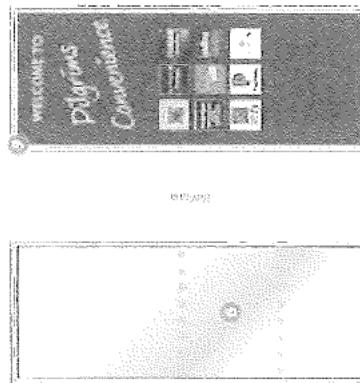
alpen signs

$2.30 \pm 0.10 \mu\text{mN}$

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

Please note that a separate, nonconfidential "Key" document is to be supplied prior to installation of Illuminad. This is a basic Access and/or touch-lighting, the recommended this is carried out by a qualified electrician. If not installed correctly, this can cause an existing roadway, we cannot be held responsible for any problems relating to lighting in the future.

- 1- 1x Folded D-bond tray sign with straight cut vinyl graphics applied to face. (2870mm x 415mm)
- 2- 1x Folded D-bond tray sign with straight cut vinyl graphics applied to face. (5415mm x 470mm)
- 3- 1x Folded D-bond tray sign with straight cut vinyl graphics applied to face. (11820mm x 450mm)
- 4- 3x Overhead LED board lights supplied with fitting brackets.
- 5- 5x Internally fitted "Magic" poster frames.
- 6- 3x Sets of reverse cut frosted ethyl vinyl manifestations applied to internal glazing.
- 7- 1x Double digitally printed vinyl graphic applied onto glazing panel. (ICCTV-Shapfilters Signage)
- 8- 3x Digitally printed vinyl graphic (2000mm x 1000mm) applied onto glazing panel. (Payment & Store Signage)
- 9- 1x Digitally printed vinyl graphic applied onto glazing. (Welcome Graphics)
- 10- 2x Digitally printed vinyl graphic applied onto glazing. (Welcome Essentials)
- 11- 2x Digitally printed vinyl graphic applied onto glazing. (Locks)



Premier: Pilgrims Convenience
31466
Shane Marshall
Ryan Fish
06.05.2025
1:0

Premier

alpen signs

This page is intentionally left blank

PUBLIC SPACES PROTECTION ORDER – ALCOHOL

Notice is hereby given that Boston Borough Council ('the Council') extended the following Order under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') as follows.

This Order may be cited as the Public Spaces Protection Order (Alcohol) (Boston Borough Council) which was made on 12th January 2015 under section 59 of the Act. This Order will have effect for a period of three years, until 11th January 2027. The effect of this Order is to restrict consumption of alcohol within an area and to require specified things to be done by person/s consuming alcohol in that area.

The 'area' referred to is that as set out on the map.

1. This Order applies to all persons within the area, whether resident or otherwise, at all times.
2. Pursuant to section 63 of the Act, where a Police Officer, Community Support Officer or other Authorised Person requires that a person desists from consuming alcohol (or the item reasonably believed

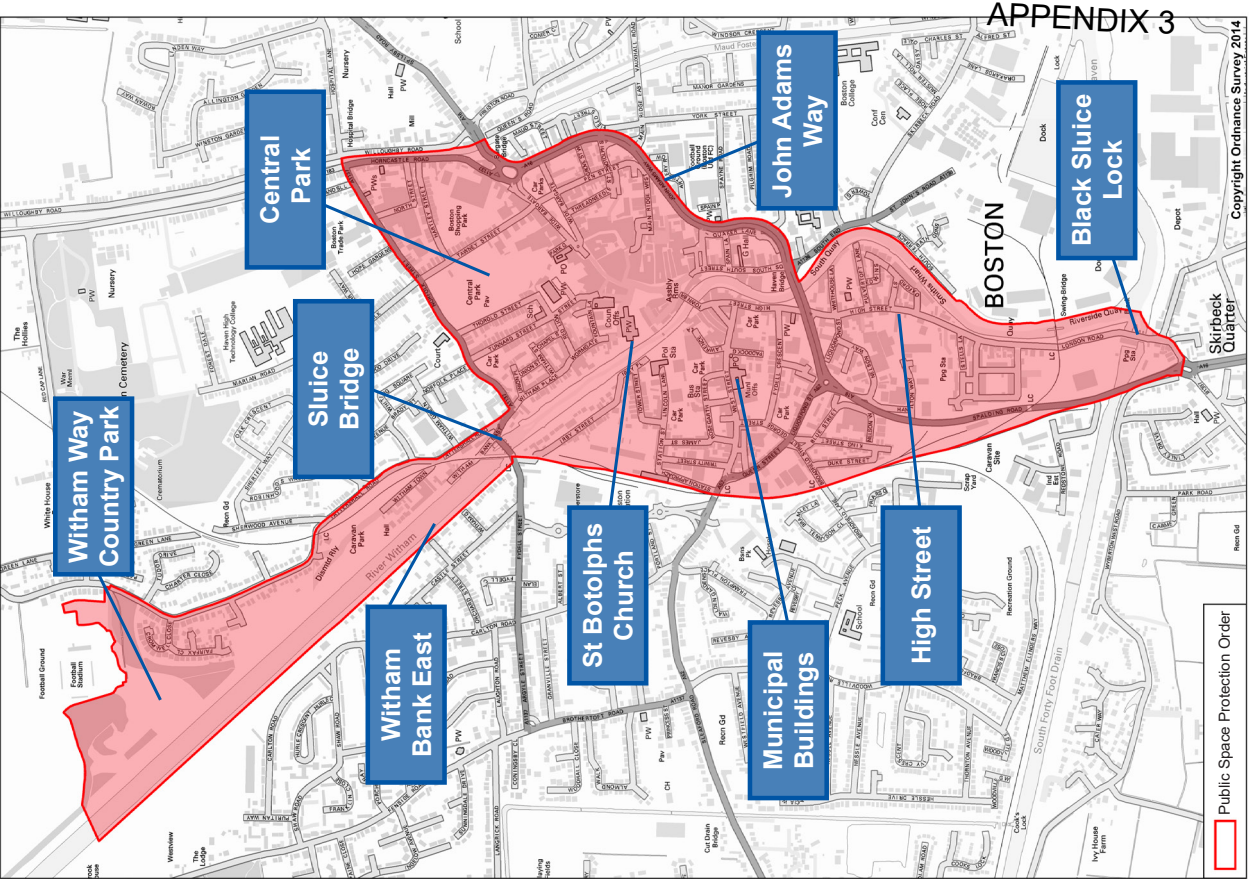
to be alcohol), or surrender the alcohol (or item which is reasonably believed to be alcohol) and the person fails to do so, that person shall be committing an offence as set out below.

3. A person who fails without reasonable excuse to comply with a requirement imposed on him or her by a Police Officer, Community Support Officer or other Authorised Person as set out at point 2 above, commits an offence and is liable;
 - i. on summary conviction to a fine not exceeding £500;
 - ii. or to a fixed penalty notice not exceeding £100

(if the fixed penalty has not been paid within 14 days following the date of the notice, that person may be convicted of an offence as set out at point i above).

4. A Police Officer, Community Support Officer or other Authorised Person may dispose of anything surrendered pursuant to this Order, as they see fit.

For any queries please contact Community Safety Team on **community.safety@boston.gov.uk**



This page is intentionally left blank

Licensing Act 2003Representation by a Responsible Authority

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Panel hearings.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

Please enter your details below:

Responsible Authority:	Lincolnshire Police
Contact Officer:	Pc 1299 Casey
Address:	Lincolnshire Police – Licensing Lincolnshire Police HQ <u>Po Box 999</u> <u>Lincoln</u> <u>LN5 7PH</u>
Telephone Number:	101 – Lincolnshire – Alcohol Licensing
E-mail:	countylicensing@lincs.police.uk

Please provide details of the application to which your representation refers:

Name:	Premier Pilgrim's Convenience - Jaffna Ltd
Address:	3-4 Market Place, Boston
Application Details:	New Premises Licence Application
Date Application Received:	10/06/25

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- | | | |
|---|--------------------------------------|---|
| • | The Prevention of Crime and Disorder | X |
| • | Public Safety | X |
| • | Prevention of Public Nuisance | X |
| • | The Protection of Children from Harm | X |

In relation to this application, the following guidance, policies, and legislation has been considered, with those in bold believed to be of particular relevance.

Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 1.8, The police remain key enforcers of licensing law.

Section 1.15,It is recommended that licence applicants contact responsible authorities when preparing their operating schedules

Section 1.17, Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy.

Section 2.1, Licensing authorities should look to the police as the main source of advice on crime and disorder.

Section 2.5The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder.....

Section 2.21, The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Section 2.22, Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health

Section 4.2, The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder.

Section 4.61, Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

Section 8.41, In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

Section 8.42, Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

Section 8.43, Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

Section 8.44, It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Section 8.45, The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to

applicants include: • the Crime Mapping website; • Neighbourhood Statistics websites; • websites or publications by local responsible authorities; • websites or publications by local voluntary schemes and initiatives; and • on-line mapping tools.

Section 8.46, While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

Section 8.47, Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

Section 9.12, Each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

Section 9.42, Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

Section 9.43, The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Section 9.44, Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. **However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.** As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate

potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Section 11.26, (in relation to reviews but deemed relevant) Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. **It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.**

Boston Borough Council Licensing Act 2003 Statement of Licensing Policy
Effective 24 November 2020 to 23 November 2025

Section 2.9, The purpose of licensing is to control licensed premises and other events within the terms of the Act.

Section 2.10, These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the vicinity. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned. Vicinity has not been given a definition within the Act and may vary in distance from the premises depending on the nature of the area. Considerations which will be taken into account when assessing "in the vicinity" include but are not limited to:

- The nature of the licensable activity
- The nature and locality of the premises
- The time of day of the proposed licensable activity/activities
- The frequency of the activity/activities.

Section 2.13, The licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Whilst there are a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the licensing objectives in the vicinity. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the addition of conditions to meet the concern(s) contained in a relevant representation.

Section 3.1, The Boston Borough Council aims to make the Boston area a safer place to live, work and visit by reducing crime and the fear of crime and reducing antisocial behaviour.

Section 3.4,Licensing is concerned with the fitness of the operator and detailed issues concerning the operation and management of the premises that are not addressed by the planning control process.

4 Licensing Objectives.

Each of the four licensing objectives is of equal importance and no one objective will take precedence over others when considering applications. The Licensing Authority considers the effective and responsible management of premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason these elements should be specifically considered and addressed within the applicants operating schedule.

The Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.

In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects applicants to demonstrate knowledge of the area within which the licensed premises is situated. This would include, for example, proximity to residential properties, areas where children congregate and any risk posed to the local area by the applicant's proposed licensable activity.

4.1 Prevention of crime and disorder

Section 4.1.1, The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.

Section 4.1.2, In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect on, and do all it reasonably can to prevent, crime and disorder in the Borough.

Section 4.1.3, When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule. The Licensing Authority encourages applicants to include in their operating schedule the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises according to the type of licensable activities that are to be carried on. Examples of measures the Licensing Authority encourage applicants to consider and address include

- Measures agreed with the Police to reduce crime and disorder*

- Training given to staff to prevent the sale of alcohol to those who are under age or appear drunk
- Measures to tackle street drinking including not selling single cans or bottles of beer, lager and cider; not selling super strength (ABV above 6.5) beer, lager and cider; and attaching water proof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.

CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police

4.3 Prevention of Public Nuisance

Section 4.3.1, Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

Section 4.3.2, The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Section 4.3.3, When addressing public nuisance the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant’s operating schedule. For example, the Licensing Authority expects an applicant to identify how public nuisance will be controlled in outside areas, particularly in smoking areas, that are not within the boundary of the licensed area. This would include prohibiting the consumption of alcohol.

Section 4.3.4, Applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, local businesses, hospices and places of worship
- The hours of opening, particularly between 23.00 and 07.00
- The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises
- The design and layout of the premises and in particular the presence of noise limiting and/or monitoring features
- Control of nuisance from persons using outside areas and in particular smoking areas.

Section 4.3.5, The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities

- Effective and responsible management of premises*
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly*
- Control of operating hours for all or parts (e.g. garden areas) of the premises, including such matters as deliveries*
- Adoption of best practice guidance (e.g. Good practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics)*
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises*
- Management arrangements for collection and disposal of litter*
- Posting at exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly and in an orderly manner.*
- Regularly clearing outside the premises of litter associated with the operation of the premises e.g. cigarette ends.*

Section 5.2, Each application for licensing will be considered on its own merit. Nothing will undermine any person from applying for a variety of permissions under the Act.

9 Licence Hours

Section 9.1, Under the Act there are no standard permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to be open for the sale of alcohol and to apply to vary their existing licences if they wish to sell alcohol beyond their current hours. However, there is no general presumption in favour of lengthening licensing hours in any area of the Borough and the four licensing objectives will be the paramount consideration at all times.

Section 9.2, As far as the Licensing Authority's overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on the centre than is necessary and can lead to unnecessary disorder and nuisance. Applicants should note that the Licensing Authority will give more careful consideration to applications for premises situated in predominantly residential areas, where relevant representations have been received and the proposed hours of operation are between 11.00pm and 7.00am. In the absence of any representation the application must be granted.

Section 9.3, Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes subject to paragraph 5.2 above. However, in the case of individual shops that are known to be or are in an area which is known to be a focus of disorder and disturbance, or in largely residential

areas where the proposed operation is likely to result in noise nuisance, subject to receiving relevant representations, a further limitation on licensing hours may be appropriate.

11 Designated Premises Supervisor

Section 11.1, The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this, the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.

Section, 11.2, The main purpose of the Designated Premises Supervisor is to ensure that there is always one specified individual, among the personal licence holders at the premises, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises.

Section 14.3, The Licensing Authority will not operate a quota of any kind which would pre-determine any application. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, other clubs and off licences all sell alcohol, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

Crime and Disorder Act 1998 Section 17

Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority

This application is for a premise licence to sell alcohol off-sales between the hours of 0800-2300, 7 days a week at 3-4 Market Place, Boston. The proposed opening times of the premises match those of the alcohol sales. It is understood that the premises is to operate as a Premier convenience store.

When assessing applications for risks to the licensing objectives, Lincolnshire Police look at what licensable activities are applied for, when, where and by whom.

The applicant previously applied for a premises licence at this location in November 2024. Lincolnshire Police made a representation against the application which led to a licensing sub-committee hearing in January 2025. At hearing the committee felt that there were not any conditions that could be imposed to appropriately address the issues of crime and disorder and public nuisance in the locality. The application was refused. **(SEE APPENDIX A - DECISION NOTICE).**

In relation to this new application, much like the previous one, there was no pre-application consultation with Lincolnshire Police. Lincolnshire Police have not discussed the new application with the applicant or met them.

This premises licence application is a slight improvement on the previous one but there is little reference to the (Public Space Protection Order) PSPO. Lincolnshire Police are pleased that the applicant has, this time, included CCTV, incident books, challenge 25 and conditions relating to high ABV beer/lagers, and no single can sales, however, the conditions offered are still poor considering what is being applied for and the location of the premises. The application does not describe the nature of the proposed business, nor does the operating schedule adequately reflect the risk posed. It shows a lack of understanding and knowledge of the area and of licensing. Many conditions which Lincolnshire Police would seek are not part of the application, refusals logs, street drinking conditions, right to work checks, no foreign medicines for sale, windows clear of covering for an unobstructed view, personal licence holder on premises. Those conditions that are offered are not specific or measurable and lack detail. For example, the CCTV condition does not state, that a playback facility will be available, Staff training does not mention how often this is to occur, that records need to be kept, and what it may include like sales to drunks or underage, the incident logbook does not advise on what details will be recorded.

Boston has a Public Space Protection Order (PSPO) that covers alcohol/street drinking (failure to comply with an officer's request to stop). The PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable. The PSPO can impose restrictions on the use of that area, which applies to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour. The effect of the Order in Boston is to prohibit consumption of alcohol within an area and to require specified things to be done by person/s consuming alcohol in that area.

Boston Borough Council and Partners have been working to improve the quality of life for those living, working in and visiting the area. Mr Peter Hunn Boston Borough Council's Community Safety Manager and team leader of the Council's Enforcement Team responsible for Anti-Social Behaviour has provided a statement in support of this representation. It provides background to the PSPO along with statistics around its enforcement. Lincolnshire Police Boston Borough Neighbourhoods Inspector Ian Cotton has also provided a statement.

(SEE APPENDIX B – STATEMENT OF PETER HUNN AND APPENDIX C STATEMENT OF INSPECTOR COTTON.)

The role of the Lincolnshire Police Licensing Department regarding the PSPO has been to consult with all applicants for new applications and major variations and based on location and planned operation where the application is for off-sales within the PSPO, where suitable request reasonable hours, PSPO type conditions, explain why and highlight the Council Statement of Licensing Policy, which during the policy's last consultation was updated with conditions to tackle street drinking and assist with the PSPO for alcohol.

3-4 Market Place sits within the heart of the PSPO for alcohol. It's located where the Market Place meets Strait Bargate and Petticoat Lane, in a pedestrian area of high foot fall with seating and a communal gathering area for people. Many public events now take place in the Market Place.

The Market Place is one of four current hotspots which came about from OP Plotting, which Boston Neighbourhood Policing Team implemented using an evidence-based approach to understand the problem of street-based violence and ASB, using College of Policing tools. The team designed and implemented focused interventions to tackle underlying causes in locations of greatest need. This approach started with collating 2.5 years of data (post COVID) including street-based violence offences, ASB and criminal damage (occurring on the street), along with Cambridge Crime Harm Index scores and Street Safe data (tool to report public concerns, such as poorly lit areas or vandalism etc) to build a detailed picture of crime/ASB volumes, areas of high harm and public perception. The analysis identified four hotspot locations (accounting for approximately 1.15% of the area of Boston), namely Central Park, Wormgate/Red Lion Street area, West Street, and the Market Place.

These locations are where the volumes of ASB and crime are concentrated, and within those areas are concentrations where the highest harm occurs. It was established that where there are concentrations of volume of incidents there were smaller but correlated pockets of high harm. It can be said with almost certainty that low level ASB/crime paves the way for high harm to occur, which is also underpinned in academic literature.

Alcohol is a significant factor within each hotspot location. It is recorded as a contributing factor either on the incident or the crime by the officer attending. Alcohol was recorded as a contributing factor between 15% and 33% of all relevant crimes' and between 20% and 52% of ASB, with 52% being in the Market Place. It is worth noting that this is not a nighttime economy (NTE) issue, although NTE may contribute in a small way it isn't significant. In 2023 there were only 68 recorded nighttime economy offences in Boston. The table below shows the prevalence of alcohol as a contributing factor within the hotspot locations amongst crime and ASB.

Alcohol prevalence		
	ASB	Crime
West Street	20%	33%
Market Place	52%	30%
Red Lion Street	40%	26%
Central Park	23%	15%

Ongoing Partnership work is occurring in these hotspots and licensing forms part of that, to ensure Boston has premises licences conditioned suitably for the risk and that operators are responsible, uphold the licensing objectives and operate within the law.

The PSPO is now in place and Boston Borough Council's Statement of Licensing Policy reflects this, with the ethos is very much on prevention and deterrence with specific officers employed by the Council to enforce it, along with Police and Community Support Officers.

The stringent conditions Lincolnshire Police usually seek for off-sales within a PSPO would be as per the Council's Statement of Licensing Policy 4.1.3. Lincolnshire Police's view is that these along with other suitable conditions like CCTV, staff training, incident/refusals book, challenge 25, right to work checks, not stocking for sale illegal/foreign medicines and retention of invoices for goods purchased, no covering the windows, so that 75% is free/clear for an unobstructed view in and out of the premises, a personal licence holder on site during all the hours of operation would usually be suitable for a premises on the edge of the PSPO, where the operation was not mainly alcohol. Here however, we have one in the centre of the PSPO, and therefore deem the risk to the licensing objectives too great, regardless of suitable conditions and hours.

The applicant's requested hours are 0800hrs to 2300hrs for opening and alcohol off-sales, 7 days a week. When Lincolnshire Police previously met with the applicant, they were open to agreeing in principle all the conditions mentioned above without seeing any exact wording. He also agreed in principle to reduce the hours to 0900 to 2100hrs for opening and alcohol. So as to reduce any nighttime economy issue with pre/post loading within the PSPO at a time when door staff and on-sale establishments are keeping alcohol inside premises. It is concerning that he has not included these reduced hours and conditions when he has submitted this new application.

The applicant may be a business, but the running of that business and the sale of alcohol is done by individuals. [REDACTED] has only recently obtained his personal licence. His background is that of an [REDACTED]. He has not run a retail business before this one, nor has he held a premises licence or been a DPS before. [REDACTED] is relatively new to Boston and until the Police's meeting with him when he submitted his 1st application, he was unaware of the PSPO and Boston's history with street drinking. He saw a gap in the market with the lack of off-licences in the Market Place. He had not done research on the area, nor did he approach the Police or Council for consultation prior to applying as the Section 182 Guidance and Council's Statement of Licensing Policy recommend. [REDACTED] has followed the same course on this occasion and has not reached out to Police prior to submission of this latest application. Neither has he fully taken on board the suggestions made to him at the previous meeting.

It is Lincolnshire Police's view that regardless of how good an applicant is in terms of experience, or how well-conditioned a licence may be there will still be issues at this location. With off sales at a premises in the heart of the PSPO, in a busy largely pedestrian area, where seating is provided and congregation is common, there will be little the licence holder can do to change the behaviour of the customers once they leave the premises if they are set on consuming the alcohol they have just purchased. As appendix B shows there is still an issue with street drinking and the granting of this licence will increase that work for the Council and police enforcement officers of the PSPO.

It will also likely increase the alcohol related crime and ASB for the area, which is already high and which partners are working on to reduce.

Boston Borough Council Licensing Act 2003 Statement of Licensing Policy has particularly relevant Sections

2.13, The licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Whilst there are a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the licensing objectives in the vicinity. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the addition of conditions to meet the concern(s) contained in a relevant representation.

4.3.1, Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

4.3.2, The Licensing Authority intends to interpret "public nuisance" in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Lincolnshire Police acknowledge the need for businesses in the Market Place, but those business shouldn't be at the detriment to an already troubled area. The granting of the licence would be counterintuitive and undermine the work currently done around the PSPO and OP Plotting. It would also harm the work done around temporary event notices for Market Place events and keeping alcohol contained within licenced set areas, on-sale premises keeping alcohol inside, and pavement licences and the keeping of alcohol in contained licenced areas for on-sales only.

We are looking at the risk to the licencing objectives, on the balance of probabilities. It is not unreasonable to foresee those objectives being undermined in the heart of the PSPO where off-sales are concerned, where there is seating and much pedestrian traffic and where alcohol related crime and ASB is already high.

In the case of *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)*(2016) Mr Justice Jay said:

[T]he prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

Having regard to the existing levels of alcohol-related crime, anti-social behaviour and street drinking in the PSPO area, Lincolnshire Police believe that these will be worsened if this application is granted, along with an increase in work around the enforcement of the PSPO.

Lincolnshire Police therefore request that this application be refused as it is simply not possible to condition against what is being proposed in such a location, to reduce the risk to the licensing objectives to an acceptable level.

If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives**:

None, due the location and planned operation style.

Have you contacted the applicant to discuss this representation?

Yes Y No

Do you consider mediation could resolve the issue?

Yes No X

Do you propose to attend or be represented at any Licensing Panel hearing?

Yes X No

Please tick this box if you consent to any notice of any hearing being sent to you to via the e-mail address provided by you above. X

(Please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

**Boston Borough Council
Licensing Act 2003
Review of a Premises Licence
Decision Notice**

Date of hearing	21 January 2025 10.00am
Members of Sub-Committee	Cllr Drayton Cllr Evans Cllr Gleeson (Chair)
Premises Licence Applicant	Jaffna Ltd
Premises Address	3-4 Market Place, Boston
Date Application Received	26 November 2024
Details of Application	Application for the grant of a Premises Licence

The Parties:

The Licensing Sub-Committee convened to consider an application for a premises licence where relevant representations have been received.

At the hearing the Sub-Committee heard from Anna McDowell (Senior Licensing Officer, [REDACTED]) (the applicant), Lincolnshire Police and Peter Hunn (Community Safety Manager).

Policy and Guidance:

In reaching its decision the Sub-Committee has had due regard for all that they have read, heard, and seen, and has considered the statutory guidance issued under Section 182 of the Licensing Act 2003, along with the Council's Statement of Licensing Policy, and their public sector duty under the Equality Act 2010.

Decision and Reasons:

[REDACTED] advised the sub-committee that he was relatively new to Boston and was unaware of the PSPO when he applied for his licence. [REDACTED] explained he had

nine years' experience in retail but acknowledged he had not managed a premises licence for alcohol before. He explained that whilst he didn't, his family did have experience, and he had assisted his family in those premises. His background was as a qualified accountant. Mr [REDACTED] advised he would cooperate with the police and local authority. He explained he would train staff, explain to people buying alcohol about the PSPO and should there be any issues he would refuse them, note their details and any future problems report them to the police. The Police and Mr Hunn advised the sub-committee of the background of the PSPO and the issues regarding drinking in that area. They also advised of the levels of incidents that were still occurring in the area.

The sub-committee noted the application and were of the view that the application did not address appropriately the four licensing objectives. They considered that the applicant did not display sufficient knowledge of the area and its issues to sufficiently or appropriately address the levels of crime and disorder and public nuisance already occurring in the area. The sub-committee considered conditions but did not consider that conditions would appropriately address the issues of crime and disorder or public nuisance which was already evidenced in the area. The sub-committee considered excluding the licensable activity applied for but noted this would have the same effect as refusing the licence. The sub-committee considered whether to exclude the DPS but were of the view that this would also not appropriately promote the licensing objectives. With all of this in mind the sub-committee considered that the only option available that would appropriately promote the four licensing objectives was to refuse the licence.

The sub-committee therefore decided to refuse the licence applied for.

Appeal:

There is a right of appeal to the Magistrates' Court under Section 181 of the Licensing Act 2003. The appeal must be commenced by notice of appeal to the Justices' Chief Executive for the Magistrates Court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed against. Any appeal should be sent to:

Lincoln Magistrates Court, 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:

A solid black rectangular box used to redact the signature of Anna McDowell.

Anna McDowell
Senior Licensing Officer
On behalf of the Licensing Sub-Committee

Dated: 22nd January 2025

Boston Borough Council

STATEMENT OF WITNESS

**(CRIMINAL JUSTICE ACT 1967 SECTIONS 2 & 9:
MAGISTRATES COURT RULES 1968 RULES 58)**

SURNAME: **HUNN**

FORENAMES: **PETER**

Age of Witness: **Over 18**

Occupation: **COMMUNITY SAFETY MANAGER**

Address: **Boston Borough Council, Municipal Buildings, West Street, Boston PE21
8QR**

I am employed by Boston Borough Council, make oath and say as follows:

This statement is made from my own knowledge unless otherwise stated.

1. I am employed by Boston Borough Council (hereafter referred to as "the Council") as Community Safety Manager and team leader of the Council's Enforcement Team responsible for Anti-Social Behaviour. I have held this position since September 2009, before starting for the council I worked as Community Support Officer for Lincolnshire Police. I hold a Post Graduate Certificate in Anti-Social Behaviour Law and Strategy from Sheffield Hallam University (obtained in 2007) and I am the Council's lead officer for all Anti-Social Behaviour and Community Safety matters. I have been employed by Boston Borough Council since August 2004.

2. Boston Borough Council introduced a Public Spaces Protection Order (PSPO) on Monday 12th January 2015 that restricts the consumption of alcohol within a designated area of the town centre. It is a statutory requirement under the Anti-Social Behaviour Crime and Policing Act (2014) that a PSPO may not have effect for a period of more than 3 years, unless extended by the local authority responsible for granting the original order. The current order commenced on 11th January 2024. Boston Borough Council Cabinet has previously extended the order three times, each for a period of three years.
3. The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) commenced on 20th October 2014. All of the powers set out within the Act, except for Civil Injunctions, came into force on this date. The Act (Publication of Public Spaces Protection Orders) Regulations 2014 also came into force on 20th October 2014 and set out the procedure for declaring a Public Spaces Protection Order.
4. On 8th December 2014, Full Council approved that a Public Space Protection Order restricting the consumption of alcohol within Boston town centre would commence on Monday 12th January 2015.
5. The Act sets out that a PSPO may not have effect for a period of more than three years, unless extended by the authority that granted the order. Boston's PSPO was first set to expire on 11th January 2018 and Cabinet approved the

first three-year extension on 6th September 2017, commencing from 12th January 2018. Cabinet approved a second extension of three years on 2nd December 2020, commencing from 12th January 2021. Cabinet approved a third extension of three years which commenced on 12th January 2024 and currently runs until the 11th January 2027.

6. The statutory requirement also states that before the time a PSPO is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent; (a) occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time. An extension under this section (3) (a) may not be for a period of more than 3 years (b) and must be published in accordance with regulations made by the Secretary of State. A PSPO may be extended under this section more than once.
7. Part 4 of the Act (Community Protection, Chapter 2, Section 61) sets out the provisions for the variation and discharge of orders where a PSPO is in force, allowing the local authority that made the order to vary it in the following ways:
 - (a) by increasing or reducing the restricted area.
 - (b) by altering or removing a prohibition or requirement included in the order or adding a new one. In addition:

- (c) a local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (d) a local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (e) a Public Spaces Protection Order may be discharged by the local authority that made it.
- (f) where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (g) where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.
8. The table below gives a full statistical update of enforcement action undertaken by the local police and community safety team made under this order between 1st January 2018 and 30th September 2023. The police spoke to 476 individuals during that period for consuming alcohol within the controlled area. Sixty of the 476 were found to continue to consume alcohol within a six-month period of receiving both verbal and written advice not to do so and have been dealt with under a tiered enforcement approach.

9. PSPO Enforcement data from 1st January 2018 to 30th September 2023

	Public Spaces Protection Order - Enforcement Action						
	Jan to Dec 2018	Jan to Dec 2019	Jan to Dec 2020	Jan to Dec 2021	Jan to Dec 2022	Jan to Sept 2023	Total
Stage 1 Advice	179	54	84	32	24	43	416
Stage 2 Warning	21	6	12	2	1	2	44
Community Protection Notice Warning	7	1	3	1	0	2	14
Community Protection Notice	1	0	0	0	0	0	1
Community Protection Breaches	0	0	0	0	0	0	0
Fixed Penalty Notice	1	0	0	0	0	0	1
Total	209	61	99	35	25	47	476

10. The data provided shows that the volume of enforcement action has declined somewhat since 2018. It could therefore be argued that the PSPO has achieved what it set out to do; and that it could be discharged. However, street drinking is an issue that the public often raise when consulted and talk about on social media. It is vital that the local community are reassured that the Police and Boston Borough Council are responding to their concerns and take street drinking, and associated anti-social behaviour, seriously. Discharging the PSPO at this stage was deemed by the council to have a detrimental impact on

perceptions of street drinking and how it is managed, and on feelings of safety within the town.

11. Data provided by Lincolnshire Police covering the number of Drunken Behaviour and Street Drinking incidents in the beat areas that incorporate the PSPO (from 1st January 2021 to 19th September 2023), along with comparisons to the rural areas. This data shows that the huge majority of both Drunken Behaviour and Street Drinking incidents can be attributed to the town centre. Drunken Behaviour incorporates all of that incident type in public or private areas; so, a good proportion of this will never be seen on the street, for example poor behaviour of the intoxicated in Accident and Emergency (A&E).

12. Lincolnshire Police Data on Drunken Behaviour and Street Drinking

	ASB - DRUNKEN BEHAVIOUR					Total
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023*	5	2	9	6	23	45
Total	16	9	72	43	106	246

***Up to September 19th 2023**

ASB - STREET DRINKING						Total
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	
2021	1	1	4	3	1	10
2022	1	0	3	1	8	13
2023*	5	0	2	2	11	20
Total	7	1	9	6	20	43

***Up to September 19th 2023**

13. The beat codes that incorporate the PSPO are: NC32 Town Centre, NC31 Town West, and NC30 Town East (highlighted in yellow above). NC28 and NC29 are the rural beats. The boundary line between NC32 and NC30 is the Market Place.

14. Purely Street Drinking incidents are low compared to general drunken behaviour incidents, however, not so low that it is considered that the PSPO is no longer required. Lincolnshire Police recommend that there is a need to maintain the status quo, but no need to extend the scope of the area covered.

15. From Lincolnshire Police's perspective, there have been decreases in ASB drunken behaviour significantly over the last year. Boston Neighbourhood Policing Teams have started to concentrate on hotspot locations where the most street based violence and ASB is occurring. It is acknowledged that in the hotspot locations alcohol plays a significant role in both crime and ASB. Within the four hotspots alcohol is recorded as a factor in between 15 and 52 percent of crimes or ASB recorded (street based). On a positive note, drunken

behaviour has dropped significantly, but through the analytical work, there are still areas to work on within the hotspots, so maintaining the PSPO is critical, as it is a tool that police can use to address the issues that remain. Police work beyond enforcement with partners in the Community Safety Team and other agencies to tackle alcohol related issues to try to resolve longer-term persistent offenders; however, enforcement is considered where support does not change behaviour.

16. The PSPO is a valuable tool that can be used by both the council and police to tackle street drinking, particularly that leads to or is causing ASB. It is an effective method to stop escalation of ASB and tackle longer-term perpetrators. Lincolnshire Police continue to address the issues caused by drunken behaviour, both publicly and privately, by a number of different complementary methods, one of which is maintenance of the PSPO.

17. Since April 2024, Boston Borough Council were successful in obtaining fixed term funding from the Home Office Serious Violence Funding Project to employ two Community Rangers to patrol Boston Town Centre on the following days and times each week, Tuesday to Thursday 1pm to 8pm and Friday and Saturday 3pm to 11pm, and their main duty on their patrols is to manage the enforcement of the Council's PSPO in relation to Alcohol. This is the first time since the order came into force in 2015 that the Council has had a dedicated team doing this, previous to this we had to rely on the Police to

enforce the order around their other duties and responsibilities. Since the Community Rangers commenced working we have seen a dramatic increase in street drinking issues found within the designated zone of the PSPO:

Community Rangers - Monitoring Data	Total April - November 2024
Number of people approached in relation to the PSPO	374
Number who complied with request for details (PSPO)	278
Number of people refusing to give details (PSPO)	80
Number of people refusing to surrender the alcohol (PSPO)	41

18. These figures have shown that just within seven months of their dedicated patrolling and enforcement of the PSPO they have already nearly equalled the same enforcement levels of the police over the last 6 years. This is particularly concerning to both the Council and Police which has highlighted that the issue of consuming alcohol within the Town Centre is as prevalent as before the original order was made and the work now highlighted by enforcement figures of the Community Wardens since April 2024 have shown both the Council and Police have a great deal of work still to do to address the issue of street drinking in our Town Centre. The Community Rangers only work 8 hour shifts within a 24 hour period, 5 days a week, we have to ask ourselves what our enforcement figures would look like if had the dedicated resource of the Rangers across the 24 hours of the day, 7 days a week.

19. From the enforcement side much work goes on in the background to support the PSPO. Alcohol is seized off street drinkers year round and there's ongoing work around repeat offenders. Newer off-licences within the PSPO have conditions on their licences limiting what/how many cans they can sell due to street drinking (the suggested conditions are listed in the council licensing policy and Police regularly make representation for them to go onto licences). Pubs/clubs are regularly spoken to regarding customers leaving their premises with drinks, even if it's just to smoke outside. Pavement licences are objected to and refused if not within a licenced area of a licenced premises, unless they agree to no alcohol consumption in that area. Making this work all the more difficult and undermined when an off licence premise is not well managed and ultimately provides an opportunity for people to purchase alcohol that is to be consumed off the premises and in our experience by the statistics and evidence shown in this statement now usually within the designated zone of the PSPO.
20. The largest area within the designated zone of the PSPO where the Community Rangers have found and dealt with street drinkers since April this year is within the Market Place and Strait Bargate areas, these two areas are our largest footfall area within our Town Centre and I would like to raise my concern that by adding another off licensed premises within this same area is going increase the likelihood of increasing incidents of street drinking more, rather than reducing it as we hope moving forward.

21. I have shared concerns with Lincolnshire Police that know matter how good any applicant is in terms of running a premises with a off sale premise licence, they will not be able to manage the consumption of alcohol bought at their premises being consumed within the heart of the designated zone of the PSPO. The premises in question is located within the area the Rangers are currently finding most of our recent street drinkers and where we find the largest footfall of people using our Town Centre. Members of the public visiting Boston as well as residents living in the area and business owners working within the Town Centre do not want to see people consuming alcohol sat on seats or standing within areas where we have already highlighted, once again just this year, that the PSPO is still required and needed to address the issues associated with street drinking. By allowing another premises within the PSPO area to sell alcohol off-sales this will likely increase alcohol related ASB and crime and make the work of the council and police even harder.

22. I am in support of the police to request that because of the current increase of street drinking, as highlighted by the work of the Community Rangers since April 2024 that the committee should refuse the application for another off-sale premises selling alcohol within the designated zone of our PSPO.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

SIGNED
Peter Hunn

DATED17th December 2024

Occurrence Number:				URN			
Name of Witness:	Ian Cotton						
Home address:	Boston Police Station						
Mobile:				Email address:	ian.cotton@lincs.police.uk		
Home telephone No.:				Work telephone No.:	07973847077		
Preferred means of contact (specify details):							
Gender:	Male	Date and Place of Birth:	12/08/1975 Louth, Lincs				
Former Name:				Ethnicity code (16+1):	W1		
DATES OF WITNESS NON-AVAILABILITY:							

Witness care

a)	Is the witness willing and likely to attend court?	yes If 'No', include reason(s) on form MG6
b)	What can be done to ensure attendance?	
c)	Does the witness require a Special Measures Assessment as a <i>vulnerable or intimidated witness</i> ? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case)	If 'Yes', submit MG2 with file in anticipated not guilty, contested or indictable only cases.
d)	Does the witness have any particular needs?	If 'Yes', what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a)	The Victim Personal Statement scheme (victims only) has been explained to me:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b)	I have been given the Victim Personal Statement leaflet and Select wish to make a Victim Personal Statement at this time.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c)	I have been given the leaflet "Giving a witness statement to the police – what happens next?"	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d)	I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice):	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
e)	I consent to my medical record in relation to this matter being disclosed to the defence:	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
f)	I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA:	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
g)	Child witness cases only. I have had the provision regarding reporting restrictions explained to me. I would like CPS to apply for reporting instructions on my behalf.	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness:	Ian Cotton	PRINT NAME:	Ian Cotton
Signature of parent/guardian/ appropriate adult:		PRINT NAME:	
Address and telephone number if different from above:			

Statement taken by (print name):	Self	Station:	Boston
Time and Place Statement taken:	1900 19/12/24 Boston Police Station		

WITNESS STATEMENT**CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1**

URN

Statement of: **Ian Cotton**Age if under 18: **018** (if over 18 insert 'over 18')Occupation: **Police Inspector**

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: **Ian Cotton**Date **19/12/24**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I have been the Neighbourhood Policing Inspector for Boston Borough since March 2024. I have been a Police Officer for twenty one years, all of that time within Lincolnshire, serving in all areas of the county. I care passionately about the county and the people living here.

Boston has some of the highest deprivation and lowest educational achievement levels in the country.

Footfall in the town centre, through analysis, has been shown to be 50% less than expected for a town of its size and nature. The question must be asked, why?

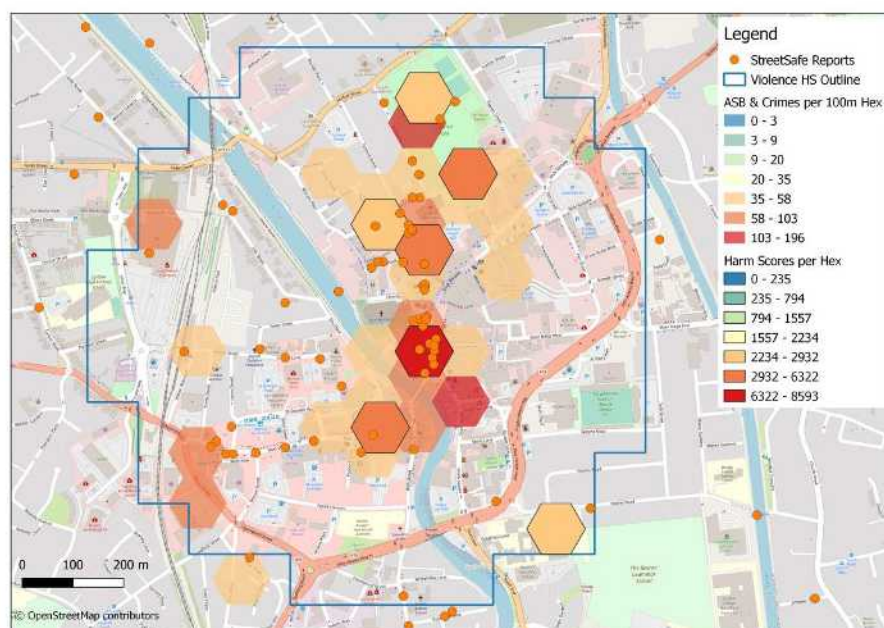
That question was asked in 2022 when police and partners surveyed the local community as part of Operation Plotting. This operation looked to address the concerns and low feelings of safety within the community. It uses a partnership approach to place resources where they are most needed. Analysis detailed where the areas of high harm crime and ASB were within the town. This led to four hot-spots of ASB and crime within the town being identified. Patrol plans were identified to target these hot-spots in order to reduce offending behaviour and increase feelings of safety.

From the public surveys it was clear that one of the main concerns of the public was street drinking within the town. This was validated when analysis showed that alcohol was a high contributory factor to crimes, particularly within Boston Market Place, one of the identified hot-spots.

Page 1 of 5

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
------------	----------------------	-------------------------	--

Statement of:



Map to show High Harm crime, ASB and Serious Violent Crime in Boston

Within the analysis of the Market Place hot-spot the following was raised:

The key concerns of the public, largely reported by people over the age of 45, through StreetSafe, show concerns over signs of alcohol/drug use, particularly at night. Top ASB reports are for Inconsiderate Behaviour and Drunken Behaviour, with Common Assault & AOABH the main crime occurrences. The influencing factors are largely alcohol and a substantial amount of the crimes take place between 2300 and 0200. Other key times are in the afternoons where retail staff and other people using the space are victimised.

Routine Activity theory helps to explain some of these patterns and provide inferences: Drunkenness either increases the vulnerability of victims, or increases aggression through offenders, in a locations where victims and offenders come together through shops, bars/pubs or congregating at meeting places (e.g. Taxi rank, statue, outside pubs). **(Boston Town – Market Place: Street Violence Overview November 2022)**

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
------------	----------------------	-------------------------	--

URN				
-----	--	--	--	--

Statement of:

Boston has a Public Space Protection Order which has been effective since January 2015. Historical data shows that the number of enforcement interactions with members of the public has reduced substantially in the last few years. There were well over 209 enforcement actions in 2018. This had dropped to 47 enforcement actions in 2023. This does record enforcement actions and not interactions with members of the public found to be in possession of alcohol. There are reasons for the reduction in police interactions which include the reduction in availability of Neighbourhood Policing Officers to carry out this work during the period. However, the reduction can be seen as a reflection on the partnership response to the issue presented by members of the community and their concerns around street drinking and associated anti-social behaviour.

Since April 2024, Boston Borough Council were successful in obtaining fixed term funding from the Home Office Serious Violence Funding Project to employ two Community Rangers to patrol Boston Town Centre. These Rangers have been an invaluable tool in addressing street drinking and anti-social behaviour in the town centre hot-spots. It can be seen from the figures below supplied by Boston Borough Council that the Rangers have had 374 interactions with people who have been approached about the conditions of the PSPO. This indicated that the issue is still one that needs attention and consideration by the authorities.

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
------------	----------------------	-------------------------	--

URN				
-----	--	--	--	--

Statement of: _____

Community Rangers - Monitoring Data	Total April - November 2024
Number of people approached in relation to the PSPO	374
Number who complied with request for details (PSPO)	278
Number of people refusing to give details (PSPO)	80
Number of people refusing to surrender the alcohol (PSPO)	41

The area that most interactions have taken place is the Market Place and Strait Bargate areas.

I have been asked to consider the application for an off-licence at 3/4 Market Place, Boston. The business would be predominantly alcohol sales. I have to say that I object strongly to the application based upon the effect on crime and disorder within the town. It would encourage breaches of the PSPO. The area is a serious violent crime and ASB hot-spot which still has issues with street drinking. There has been so much work to reduce the harm caused by Alcohol abuse within the town the granting of the licence would be completely counter-productive to it. It would send a message to partners that are trying to improve the quality of life for those in the area and increase footfall, feelings of safety and prosperity in the town that there is no joined up thinking in our approach. I object to the application in the strongest terms and hope that the committee can see the reasons for it.

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
------------	----------------------	-------------------------	--

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s.9**

URN

Statement of: **Rebeka Casey**Age if under
18: 018

(if over 18 insert 'over 18')

Occupation: Police Constable 1299

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date 14/07/25

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person employed as a Police Constable within Lincolnshire Police Alcohol Licensing Team.

On Friday 11th July 2025 I was on duty in plain clothes when I assisted colleagues from Trading Standards with an underage sales test purchasing operation. The purpose of the operation was to use volunteers aged under 18 to enter retail premises and attempt to purchase alcohol and/or e-cigarettes. On this occasion the volunteers were two females aged 15 and 16 years old.

At approximately 16:00 hours that same day a volunteer entered 3-4 Market Place, Boston to buy an e-cigarette. The 15-year-old volunteer requested a vape from the sales assistant and was initially asked to provide proof of age identification. The volunteer said that she did not have any ID with her, so the shop assistant told her to "BRING IT NEXT TIME." The shop assistant proceeded to make the sale. The volunteer then left the shop and immediately handed the e-cigarette to Senior Trading Standards Officer Marshall.

Page 1 of 1

Signature:	Error! Reference source not found	Signature witnessed by:	
------------	-----------------------------------	-------------------------	--

This page is intentionally left blank

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

4 Licensing Objectives

Each of the four licensing objectives is of equal importance and no one objective will take precedence over others when considering applications.

The Licensing Authority considers the effective and responsible management of premises, instruction, training and supervision of staff and the adoption of best practice to

be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason these elements should be specifically considered and addressed within the applicants operating schedule.

The Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.

In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects applicants to demonstrate knowledge of the area within which the licensed premises is situated. This would include, for example, proximity to residential properties, areas where children congregate and any risk posed to the local area by the applicant's proposed licensable activity.

4.1 Prevention of crime and disorder

4.1.1 The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.

4.1.2 In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect on, and do all it reasonably can to prevent, crime and disorder in the Borough.

4.1.3 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

The Licensing Authority encourages applicants to include in their operating schedule the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises according to the type of licensable activities that are to be carried on. Examples of measures the Licensing Authority encourage applicants to consider and address include

- Physical security features e.g. use of toughened, polycarbonate or plastic drinking glasses
- Procedure for risk assessment of alcohol promotions to ensure they do not promote irresponsible drinking or potentially breach the mandatory condition on irresponsible drinks promotions
- The use and number of Security Industry Authority (SIA) registered door supervisors
- Amount of seating to be provided to reduce the risk of high volume vertical drinking
- Training given to staff in crime prevention and drug awareness measures
- Measures agreed with the Police to reduce crime and disorder
- Measures to prevent the use or supply of illegal drugs
- Search procedures
- Formalisation of a dispersal policy
- Measures to prevent customers taking glasses and bottles away from the premises

- Training given to staff to prevent the sale of alcohol to those who are under age or appear drunk
- Measures to tackle street drinking including not selling single cans or bottles of beer, lager and cider; not selling super strength (ABV above 6.5) beer, lager and cider; and attaching water proof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.

CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police

- 4.1.4 The British Beer and Pub Association (BBPA) has consolidated good practice on combating violence in licensed premises into a guide to risk assessment. This is available on the BBPA's website: www.beerandpub.com.

4.2 Public Safety

- 4.2.1 The Licensing Authority will carry out their licensing functions with a view to promoting public safety and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

The Licensing Authority encourages applicants to include in their operating schedules the steps they propose to take to promote public safety.

- 4.2.2 Where an applicant identifies an issue in regard to public safety, which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety.

- 4.2.3 Depending on the individual style and characteristics of the premises and/or events the following issues may be of relevance:

- Use of equipment and effects
- Levels of door supervision
- Measures to prevent the supply and use of illegal drugs
- Physical safety features e.g. use of toughened glass, polycarbonate and plastic containers
- Fire evacuation procedures
- Provision of CCTV (see para 7.1.3)
- Occupancy figures

- 4.2.4 It will be the responsibility of licence/certificate holders/designated premises supervisors to ensure they have complied with all Health and Safety legislation.

- 4.2.5 ~~Where a premise is on a vessel for which a current Passenger Ship Certificate is in force, the public safety objective can generally be considered to be met in respect of the layout, structure, access arrangements and operation of the vessel.~~

- 4.2.6 Whilst the Licensing Authority cannot require documentation regarding risk assessments to be attached to the operating schedule, it considers such risk assessments to be good practice. Risk assessments, including fire risk assessments, are a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder,

in the event of needing to make an application for variation of a premises licence or in response to changing circumstances/conditions at the premises.

4.3 Prevention of Public Nuisance

- 4.3.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 4.3.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 4.3.3 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant’s operating schedule. For example, the Licensing Authority expects an applicant to identify how public nuisance will be controlled in outside areas, particularly in smoking areas, that are not within the boundary of the licensed area. This would include prohibiting the consumption of alcohol.
- 4.3.4 Applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. These may include:
- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, local businesses, hospices and places of worship
 - The hours of opening, particularly between 23.00 and 07.00
 - The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises
 - The design and layout of the premises and in particular the presence of noise limiting and/or monitoring features
 - The occupancy capacity of the premises (Where appropriate)
 - The availability of public transport to facilitate dispersal of customers
 - ‘wind down period’ between the end of the licensable activities and the closure of the premises
 - last admission time
 - The formulation of a dispersal policy
 - Control of nuisance from persons using outside areas and in particular smoking areas.
- 4.3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities
- Effective and responsible management of premises
 - Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly

- Control of operating hours for all or parts (e.g. garden areas) of the premises, including such matters as deliveries
- Adoption of best practice guidance (e.g. Good practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour
- Undertaking noise impact assessments
- Regular assessments of the noise coming from the premises when used for regulated entertainment and steps to control the level of noise so as not to cause disturbance to local residents.
- Regular assessment of any noise coming from outside areas, including smoking areas, and steps to control the level of noise so as not to cause disturbance to local residents.
- Keeping a written record of assessments in a log book kept for that purpose including, the time and date of the checks, the person making them and the results including any remedial action.
- Identifying smoking areas in operating schedules to enable responsible authorities to appraise proposals with a view to promoting the prevention of public nuisance licensing objective.
- Keeping external doors (except for access and egress) and windows closed when regulated entertainment is being provided except in the event of an emergency.
- The disposal of empty glass bottles not being undertaken externally between 23.00 hours and opening hours on the following day on every day of the week.
- Posting at exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly and in an orderly manner.
- Regularly clearing outside the premises of litter associated with the operation of the premises e.g. cigarette ends.

4.4 Protection of children from harm

- 4.4.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered necessary to do so to protect them from harm. It is hoped that family friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

The protection of children from harm includes protection of children from moral, psychological and physical harm.

- 4.4.2 When receiving relevant representations and deciding whether to limit access to children, other than in circumstances where the law demands their access to be limited, applicants/licence/certificate holders should consider the activities carried on at the premises. Examples which may give rise to concern in respect of children would include premises;

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)

4.4.3 ~~Films - In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself. Applicants will be expected to explain in their operating schedule the steps they intend to take to ensure children and young persons do not gain access to films with a restricted access classification.~~

~~Where a film is to be shown locally within the authority's area and has not been classified by the British Board of Film Classification, an application can be made to the Authority for the film to be classified. Applications should be made in accordance with the guidelines set out by the British Board of Film Classification. These guidelines can be found at: www.bbfc.co.uk.~~

4.4.4 ~~Theatres- In certain cases it may be necessary to impose a condition to restrict the admission of children to theatres, which are incorporating adult entertainment in their productions.~~

4.4.5 ~~Where a large number of children are likely to be present on any licensed premises and representations are received; conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm. Where the Licensing Authority considers it appropriate, following receipt of relevant representation(s) it may require the adult supervisors (being persons over the age of 18) to be subject to a criminal record check. The onus will be on the Premises Licence holder to ensure that staff members are suitable to carry out the supervision of children, which may include criminal record disclosure from the Disclosure and Barring Service (DBS).~~

4.4.6 ~~The options available for limiting access by children would include –~~

- ~~Limitations of the hours when children may be present~~
- ~~Limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place;~~
- ~~Limitations on the parts of premises to which children might be given access;~~
- ~~Age limitations (below 18 years);~~
- ~~Requirements for accompanying adults (including for example, a requirement which provide that children under a particular age must be accompanied by an adult); and~~
- ~~Full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place.~~

4.4.7 ~~The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder/certificate holder or designated premises supervisor.~~

4.4.8 The body responsible for the interests of children is:

Lincolnshire Safeguarding Children Partnership

Lincolnshire Safeguarding Children Partnership can be contacted through Lincolnshire County Council.

The reasons the Licensing Authority has chosen the above as a Responsible Authority competent to advise it on the protection of children from harm are:

- That this body is answerable to democratically elected persons and is not answerable to a particular vested interest group;
- That this body is responsible for the area covered by this Licensing Authority and this policy;
- That this body is experienced in dealing with the protection of children.

4.4.9 In respect of premises licensed for the sale of alcohol, The Portman Group Code of Practice on The Naming, Packaging and Promotion of Alcoholic Drinks should be followed to ensure drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.

4.4.10 The sale of alcohol to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses. Applicants should detail adequate control measures in their operating schedule to prevent under-age sales. The Licensing Authority recognises that Lincolnshire County Council Trading Standards Service, as part of its responsibilities and duties under the legislation controlling the sale of age restricted products, including alcohol, provides advice and guidance on the controls and systems that may be adopted to help prevent such sales. Applicants are strongly advised to contact Trading Standards for advice on this matter. The Licensing Authority also recognises that in liaison with the Police, the Trading Standards Service conducts covert test purchasing exercises to check compliance with the law.

Challenge 25 – The mandatory licence conditions (introduced in October 2014) require relevant premises to hold an age verification policy in relation to the sale or supply of alcohol. The Licensing Authority supports the adoption of the Challenge 25 Schemes (or similar scheme) for licensed premises.

A suitable proof of age policy adopted by a licence holder should require the production of a photo-driving licence or passport before sale or entry into the premises. For added security, licence holders are encouraged to consider use of the Proof of Age Standards Scheme (PASS) and accept cards showing the PASS logo.

4.4.11 Where licence holders wish to employ children they should ensure that the legislation regarding this matter is complied with and any necessary permits to work have been obtained. Further information on the requirements of this legislation is available from the Lincolnshire Safeguarding Children Board.

5 The Licensing Process

5.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority in accordance with the provisions of the Act. Delegated powers are

in accordance with the table at Appendix 1. This table does not form part of the policy and may therefore be amended without consultation with statutory consultees.

- 5.2 Each application for licensing will be considered on its own merit. Nothing will undermine any person from applying for a variety of permissions under the Act.
- 5.3 Other than electronic applications applicants are reminded that documents submitted as part of an application which bear a signature, criminal record certificates, criminal conviction certificates, subject access documents and licensing qualifications must be original documents. Faxes and photocopies are not acceptable unless with the prior agreement of the Licensing Authority.
- 5.4 Applicants for any authority or permission are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned. The Licensing Authority will endeavour to explain why the application is considered to be deficient and will invite the applicant to re-submit the application with all the required information. Application forms will not be returned where they contain obvious and minor factual errors that can easily be amended. It is the responsibility of the applicant to send a copy of their application and any other relevant documentation to each of the Responsible Authorities, unless the application has been properly made electronically, in which case it is the responsibility of the Licensing Authority to circulate it. Where applicants fail, after being reminded, to copy applications to Responsible Authorities, or they resubmit applications which are still deficient, the application will be rejected. Re-submission of an application following rejection will be subject to the statutory advertising requirements.
- 5.5 A main part in ensuring compliance with the Act, and in particular showing how the four licensing objectives are to be achieved, is the "operating schedule" for the licensed premises. The operating schedule forms part of the licence application. The schedule will aid any Responsible Authority or other party to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The schedule will form part of the conditions of the licence or certificate, if granted. The Licensing Authority will work with the licensees and applicants by providing guidance notes on the completion of the schedules. However, the responsibility for drawing up the operating schedule rests with the applicant. The operating schedule should detail the manner in which the business will be run and the steps/controls put in place to meet the licensing objectives. Any individual preparing an operating schedule is free to volunteer any measure as a step he or she intends to take to promote the licensing objectives. The operating schedule must specify all types of entertainment which will take place at the premises
- 5.6 Applications for minor variations may be subject to consultation with the appropriate responsible authorities and will be refused if any responsible authority indicates that they would make a representation on the proposed minor variation.
- 5.7 In an effort to avoid unnecessary hearings, applicants are strongly advised to prepare risk assessments and from these formulate any steps they consider necessary to promote the licensing objectives and then to consult with the responsible authorities as defined within the Act before submitting their applications. Failure to do so may lead to representations which can only be determined by the Licensing Sub-Committee. In respect of minor variations applicants are strongly advised to contact the appropriate responsible authorities before formally submitting their application in order to avoid unnecessary expense.
- 5.8 Account will be taken of the need to encourage and promote all types of entertainment, including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance

from these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

- 5.9 The guidance issued by the Home Office indicates that representations can be made in opposition to, or in support of, an application. With this in mind the Licensing Authority would remind all parties that all representations (both for and against an application) must relate to the promotion of the licensing objectives.
- 5.10 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

6 Premises Licences/Club Premises Certificates

- 6.1 Applicants will be required to submit their application in the form detailed in regulations made under the Act. Applicants will be required to submit, with their application for a premises licence, club premises certificate, Provisional Statement or a variation to their existing premises licence or club registration certificate, an Operating Schedule detailing:
-

- The licensable activities to be conducted on the premises;
- The times during which it is proposed that the relevant licensable activities are to take place;
- Any other times when the premises are to be open to the public or to members of a club;
- Where the licence is required only for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name, address and licence number of the individual to be specified as the designated premises supervisor;
- Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
- The steps which the applicant proposes to take to promote the licensing objectives.

- 6.2 Applications will be determined having regard to:

- This Policy
- The Licensing Act 2003 and subordinate legislation.
- Guidance issued by the Home Office
- Any relevant representations received (provided they are not determined to be frivolous or vexatious).

- 6.3 ~~LARGE SCALE EVENTS - Organisers of large events, major festivals and carnivals should approach the Licensing Authority and Responsible Authorities at the earliest opportunity to discuss arrangements for the licensing of those activities falling within the provisions of the Licensing Act 2003. In respect of some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations~~

- 10.1 A person wishing to sell or supply, or authorise the sale or supply of alcohol, for consumption on or off a licensed premises will need to apply for a Personal Licence. The Licensing Authority strongly encourages premises licence holders, where alcohol is being sold, to ensure that there are sufficient personal licence holders present at the premises to ensure adequate supervision of the sale of alcohol. In circumstances where the Personal Licence holder has delegated the responsibility for the sale of alcohol, they will still have a duty of responsibility for the actions of those they have authorised to make those sales.
- 10.2 Applicants for a personal licence are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned.
- 10.3 Where an application for a personal licence reveals a disclosable conviction for a relevant offence under the Act, the Licensing Authority acknowledges that the Police carry out full and proper enquiries (including interviewing applicants as necessary) so as to provide evidence as to the reasons the crime prevention objective will be undermined by the grant of the licence.
- 10.4 Where a personal licence application reveals an unspent conviction for a relevant offence and the police object to the application, the Licensing Authority will normally refuse such an application unless there are exceptional and compelling circumstances to justify granting the licence. Any application for a personal licence, which is the subject of a police objection, will be considered at a licensing hearing which the applicant may attend and be heard.

11 Designated Premises Supervisor

- 11.1 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this, the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.
- 11.2 The main purpose of the Designated Premises Supervisor is to ensure that there is always one specified individual, among the personal licence holders at the premises, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises.
- 11.3 This Licensing Authority recommends that the DPS undergoes relevant training, such as the Designated Premises Supervisor course provided by the British Institute of Innkeeping Awarding Body, in order that they are made aware of the responsibilities this position brings with it.

■ [REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 Staff Training

- 22.1 The Licensing Authority recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise their awareness in this area of responsibility. Similarly, persons employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises. It is also recommended that persons employed on premises providing entertainment for children attend training programmes in basic child protection and safety. All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

[REDACTED]

29 Challenge 25 Scheme

- 29.1 The Licensing Authority strongly supports campaigns to reduce the illegal sale of items to underage persons and the adoption of a Challenge 25, or similar policy, within the licensed trade. Under the scheme, premises selling alcohol should seek proof of age from anybody who appears to be under the age of 18.

N.B. The mandatory licence conditions, introduced in 2014, require relevant premises to have an age verification policy in relation to the sale or supply of alcohol.

- 29.2 The policy should create a culture of expectation that in pubs, clubs, off-licences and similar premises that proof of age should either be offered or produced on demand and that this should be the norm as far as the sale of alcohol to young persons is concerned. Asking for identification at an age limit that is higher than the legal age for the sale of the product means that licence holders are much more likely to avoid an illegal sale to someone who looks older than their true age.

[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]

(b) (7)(C), (b) (7)(D)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. Introduction

The Licensing Act 2003

- 1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk. The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 16).

Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Additional guidance

1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.
- 2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:
- Putting alcohol into someone's drink without their knowledge or permission
 - Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
 - Injecting another person with prescription or illegal drugs without their knowledge or permission
 - Putting prescription or illegal drugs into another person's food without their knowledge or permission
 - Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

Public safety

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);

- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.11 Counter terrorism and public safety

2.12 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.

2.13 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.

2.14 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

2.15 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

Ensuring safe departure of those using the premises

2.16 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

Public nuisance

- 2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise

emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.28 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.29 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.30 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism,

or entertainment involving strong and offensive language.

- 2.31 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.32 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.33 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.34 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.35 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.36 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the

licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.37 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.38 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

8. Applications for premises licences

Relevant licensing authority

- 8.1 Premises licences are issued by the licensing authority in which the premises are situated or, in the case of premises straddling an area boundary, the licensing authority where the greater part of the premises is situated. Where the premises is located equally in two or more areas, the applicant may choose but, in these rare cases, it is important that each of the licensing authorities involved maintain close contact.
- 8.2 Section 13 of the 2003 Act defines the parties holding important roles in the context of applications, inspection, monitoring and reviews of premises licences.

Authorised persons

- 8.3 The first group –“authorised persons”– are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police and immigration officers are not included because they are separately empowered by the 2003 Act to carry out their duties.
- 8.4 For all premises, the authorised persons include:
- officers of the licensing authority;
 - fire inspectors;
 - inspectors with responsibility in the licensing authority’s area for the enforcement of the Health and Safety at Work etc Act 1974;
 - officers of the local authority exercising environmental health functions
- 8.5 Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.
- 8.6 Where an immigration officer has reason to believe that any premises are being used for a licensable activity, the officer may enter the premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the licensable activity.

Responsible authorities

- 8.7 The second group –“responsible authorities”– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. These representations must still be considered ‘relevant’ by the licensing authority and relate to one or more of the licensing objectives. For all premises, responsible authorities include:
- the relevant licensing authority and any other licensing authority in whose area part of

- the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England⁴ and Local Health Boards (in Wales);
- the local weights and measures authority (trading standards); and
- Home Office Immigration Enforcement (on behalf of the Secretary of State).

8.8 The licensing authority should indicate in its statement of licensing policy which body it recognises to be competent to advise it on the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or another competent body. This is important as applications for premises licences have to be copied to the responsible authorities in order for them to make any representations they think are relevant.

[REDACTED]

[REDACTED]

[REDACTED]

⁴ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

- 8.12 The Secretary of State may prescribe other responsible authorities by means of regulations. Any such regulations are published on the Government's legislation website: www.legislation.gov.uk.

Other persons

- 8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.
- 8.14 While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Who can apply for a premises licence?

- 8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.
- 8.16 "A person" in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence.
- 8.17 In considering joint applications (which is likely to be a rare occurrence), it must be stressed that under section 16(1)(a) of the 2003 Act each applicant must be carrying on a business which involves the use of the premises for licensable activities. In the case of public houses, this would be easier for a tenant to demonstrate than for a pub owning company that is not itself carrying on licensable activities. Where licences are to be held by businesses, it is desirable that this should be a single business to avoid any lack of clarity in accountability.
- 8.18 A public house may be owned, or a tenancy held, jointly by a husband and wife, civil partners or other partnerships of a similar nature, and both may be actively involved in carrying on the licensable activities. In these cases, it is entirely possible for the husband and wife or the partners to apply jointly as applicant for the premises licence, even if they are not formally partners in business terms. This is unlikely to lead to the same issues of clouded accountability that could arise where two separate businesses

Licensing conditions

a) Imposed conditions

- 8.69 Licensing authorities cannot impose their own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they should refuse it.

b) Volunteered conditions

- 8.70 Applicants may volunteer conditions as part of the minor variation process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.
- 8.71 For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence (for example, that a nightclub adds the provision of door staff to its licence). Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licence holder and the responsible authority have come to a genuine agreement. The licensing authority should be alive to any attempts to pressure licence or certificate holders into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, should discuss this with the relevant parties.

c) Amending or removing existing conditions

- 8.72 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.
- 8.73 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Advertising applications

8.80 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which are published on the Government's legislation website.

Applicants are required to:

- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
- display a brief summary of the application on an A4 (or larger) size notice, on pale blue paper in a prominent position (or positions) immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be printed legibly in black ink or typed in black in size 16 font or larger.

9. Determining applications

General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who may replicate some of the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from a responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁵ Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

Home Office Immigration Enforcement acting as a responsible authority

9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

Hearings

9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must

be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

[REDACTED]

- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁷ See chapter 16 for when a performance of a play is licensable.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions relating to fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all,

⁸ In some circumstances, no licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 16.15-16.19

⁹ The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies to the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

[REDACTED]

[REDACTED]

Public Spaces Protection Order

14.49 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014¹⁵. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police. DPPOs will continue to be valid for a period of three years following commencement of the PSPO in October 2014. Once that three year period expires, they will be treated as a PSPO and enforceable as such. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times¹⁶. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

[REDACTED]

¹⁵ For full guidance on the PSPO please see the statutory guidance on the 2014 Act:

<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

¹⁶ Licensed premises in general are exempt from the effect of a PSPO.

Licensing hours

- 14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Integrating strategies

- 14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.
- 14.64 Statements of Licensing Policy should consider the prevalence, prevention and reporting of sexual harassment and misconduct and broader violence against women and girls crimes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Promotion of equality

- 14.68 A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected



Equality Act 2010

2010 CHAPTER 15

PART 11

ADVANCEMENT OF EQUALITY

CHAPTER 1

PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Status: This is the original version (as it was originally enacted).

- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- (8) A reference to conduct that is prohibited by or under this Act includes a reference to—
 - (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.

150 Public authorities and public functions

- (1) A public authority is a person who is specified in Schedule 19.
- (2) In that Schedule—
 - Part 1 specifies public authorities generally;
 - Part 2 specifies relevant Welsh authorities;
 - Part 3 specifies relevant Scottish authorities.
- (3) A public authority specified in Schedule 19 is subject to the duty imposed by section 149(1) in relation to the exercise of all of its functions unless subsection (4) applies.
- (4) A public authority specified in that Schedule in respect of certain specified functions is subject to that duty only in respect of the exercise of those functions.
- (5) A public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998.

151 Power to specify public authorities

- (1) A Minister of the Crown may by order amend Part 1, 2 or 3 of Schedule 19.