



Public Document Pack  
**Boston Borough Council**

**Chief Executive  
Rob Barlow**

Municipal Buildings  
Boston  
Lincolnshire PE21 8QR  
Tel: 01205 314200

Tuesday 6 January 2026

**Notice of meeting of the Licensing Sub-Committee**

Dear Councillor

You are invited to attend a meeting of the Licensing Sub-Committee  
on **Wednesday 14th January 2026 at 10.00 am**  
in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow  
Chief Executive**

**Membership:**

Panel Members: Councillors John Baxter, Suzanne Welberry and Stephen Woodliffe  
Substitute: Councillor Stuart Evans

**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 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).
- Applying to: Appendix 2 (Application form) and Appendix 4 (Additional information from applicant)

## **2 Application for a premises licence - Mr Tee's Local, 12 Red Lion Street, Boston** (Pages 1 - 108)

(A report by Anna McDowell, Senior Licensing Officer)

### **Notes:**

Please contact Democratic Services ([demservices@boston.gov.uk](mailto: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**

#### **Licensing Hearing Procedure – New Licence**

1. The Sub-Committee deals with the Preliminaries.
2. The Applicant, Senior Licensing Officer and Responsible Authorities 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 Applicant is invited to address the Sub-Committee to present their case and can call any witness in support of their case
8. Members of the Sub-Committee ask questions of the Applicant.
9. Responsible authorities and interested parties in turn can ask questions of the Applicant
10. The Responsible Authorities are invited to address the Sub-Committee to present their case and can call any witness in support of their case.
11. Members of the Sub-Committee ask questions of the Responsible Authorities.
12. Applicant can ask questions of the Responsible Authorities
13. Interested parties (if any) are invited to address Sub-Committee to present their case and can call any witness in support of their case
14. Members of the Sub-Committee ask questions of the Responsible Authorities.
15. Applicant can ask questions of the Interested Parties
16. Application asked if they wish to amend or withdraw their application in any way
17. Chairman to invite closing submissions from Applicant, Responsible Authorities and Interested Parties – no new issues should be introduced at that stage
18. 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.
19. The Chairman advises that the Members of the Sub-Committee will consider the report in private and make their decision. The Legal Representative will remain with them, but will at no point take part in the deliberations; the Legal Representative will give legal advice if required and the decision notice will contain details of this advice.
20. The Applicant, the Responsible Authorities and the Senior Licensing Officer are escorted from the room.
21. 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.

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# Agenda Item 2

<b>Report To:</b>	Licensing Committee – Sub-Committee
<b>Date:</b>	14 January 2026 – 10.00am
<b>Subject:</b>	Mr Tee’s Local, 12 Red Lion Street, Boston
<b>Purpose:</b>	To consider an application for a premises licence where relevant representation has been received
<b>Key Decision:</b>	No
<b>Portfolio Holder:</b>	Councillor C Mountain
<b>Report Of:</b>	Assistant Director - Regulatory
<b>Report Author:</b>	Anna McDowell - Senior Licensing Officer
<b>Ward(s) Affected:</b>	Not applicable
<b>Exempt Report:</b>	No

## Summary

This is a hearing to consider an application for the grant of a Premises Licence, the applicant being Perkins Newsagents Limited, 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 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 18 November 2025 an application for the grant of a premises licence, under section 17 of the Licensing Act 2003, was received from Perkins Newsagents Ltd for premises situate at 12 Red Lion Street, 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.

## 2. Report

### 2.1 The application

- 2.1.1 An application for a Premises Licence was received for 12 Red Lion Street, Boston. The premises is located in Boston town centre in a mixed-use area consisting of commercial, and domestic properties. 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 – Saturday:	08.00 hours until 22.00 hours
Sunday:	10.00 hours until 22.00 hours
24 <sup>th</sup> & 31 <sup>st</sup> December:	08.00 hours until 23.00 hours

The proposed opening hours of the premises are:

Monday – Saturday:	05.00 hours until 23.00 hours
Sunday:	08.00 hours until 22.00 hours
24 <sup>th</sup> & 31 <sup>st</sup> December:	08.00 hours until 23.00 hours
25 <sup>th</sup> , 26 <sup>th</sup> Dec & 1 <sup>st</sup> Jan:	08.00 hours until 22.00 hours

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 16 December 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 an issue. The PSPO was introduced in 2015 and restricts the consumption of alcohol within the defined area. A copy of the representation is attached at **appendix 3**.

2.2.2 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.

2.2.3 Following receipt of the representation, the applicant has submitted a request to amend the operating schedule of the application. A full copy of the document setting out the proposed amendments is attached at **appendix 4**. However, in summary the proposed amendments include:

a reduction in the hours for the sale of alcohol to

Monday – Saturday:	12.00 hours until 22.00 hours
Sunday:	12.00 hours until 17.00 hours;

A reduction in the opening hours of the premises to

Monday – Saturday:	06.00 hours until 22.00 hours
Sunday:	08.00 hours until 22.00 hours

and the inclusion of a number of conditions relating to:

- storage and display of alcohol
- restrictions on single can sales

- restrictions on high strength lagers, beers and ciders
- implementation of a challenge 25 policy
- implementation of incident and refusals logs
- staff training
- sales to known street drinkers
- CCTV
- Restrictions on window coverage
- Measure to prevent sale of illicit goods and storage of sales invoices
- General management

2.2.4 Having considered this additional information, Lincolnshire Police are of the opinion that their representation stands and that the matter should still be considered by the Sub-Committee.

## 2.3 Considerations

2.3.1 In November 2025 the Council adopted and published a revised Statement of Licensing Policy. Section 35 of the policy addresses the issues that may arise with premises located within an area covered by a Public Space Protection Order. The policy sets out measures that the Licensing Authority would expect applicants to implement to mitigate any detrimental impact on the licensing objectives. The Sub-Committee should consider those measures, and whether imposing them as conditions on the licence would be appropriate for the promotion of the licensing objectives. It should however be noted that at the time the applicant submitted the application, the previous Statement of Licensing Policy was in place. This version did not specifically address the PSPO and the alcohol related issues in the relevant area.

2.3.2 It should be noted by the Sub-Committee that the guidance issued under Section 182 of the Licensing Act gives clear direction that the Councils' Statement of Licensing Policy should make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the licence holder. This is reflected at para. 2.11 of the policy which states:

*"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."*

2.3.3 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.

2.3.4 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.

2.3.5 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.

2.3.6 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 5**.
- The statutory guidance issued under section 182 of the Licensing Act 2003. Relevant extracts of which, are attached at **appendix 6**.

## 2.4 Options

2.4.1 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.

## 2.5 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 7**.
- 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:** The licensing authority must have due regard to its public sector equality duty under section 149 of the Equality Act 2010.

**Human Rights:** 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.

**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	Representation - Lincolnshire Police
Appendix 4	Amended operating schedule
Appendix 5	Extract - Statement of licensing policy
Appendix 6	Extract – Section 182 Guidance
Appendix 7	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**

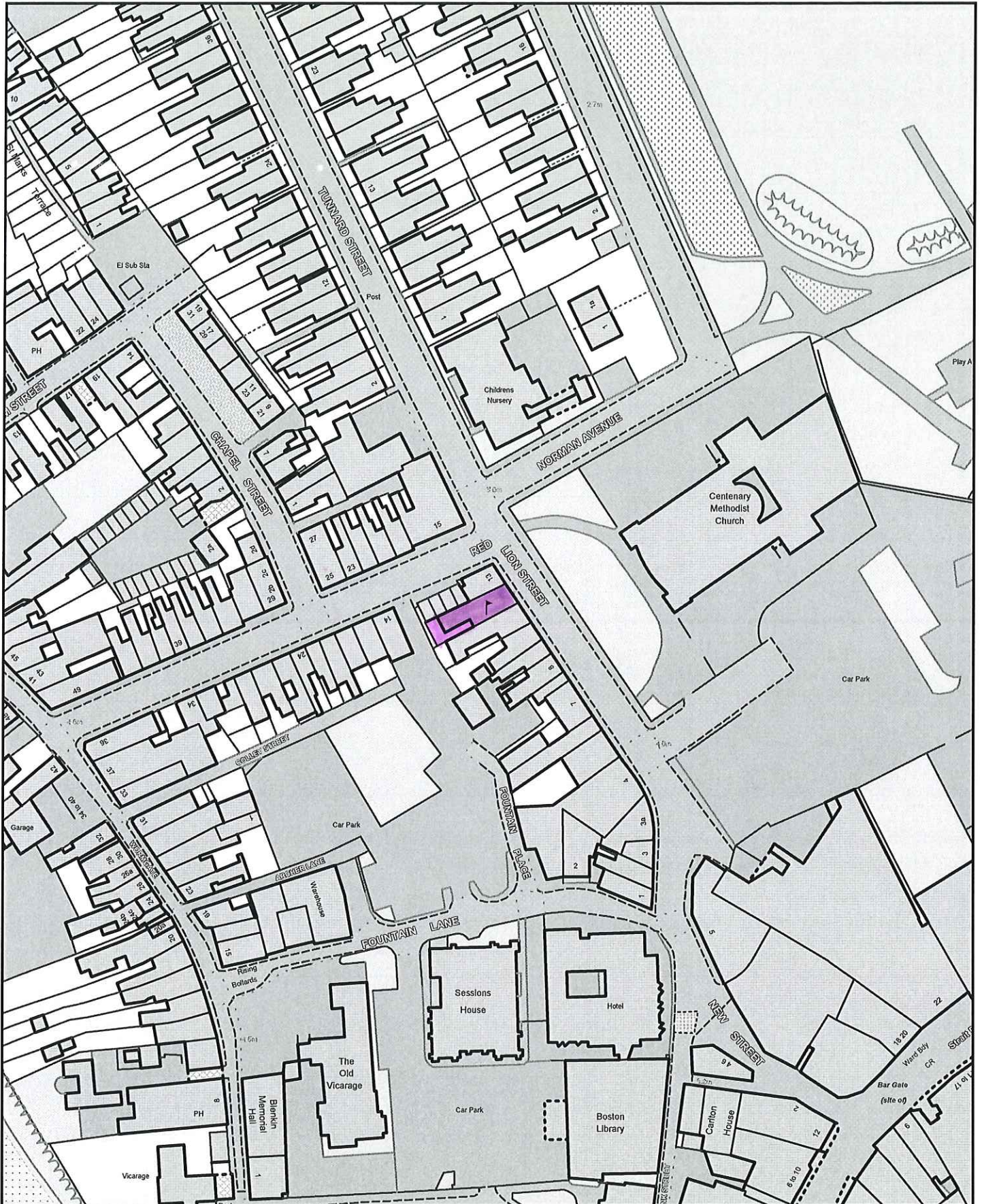
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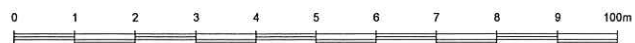
Signed off by:

Christian Allen – [christian.allen@boston.gov.uk](mailto:christian.allen@boston.gov.uk)





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

**14 NOV 2025**

**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.

**18 NOV 2025**

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

I/We Perkins Newsagent Ltd, T/A Mr Tee's Local

(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 <b>Mr Tee's Local</b> <b>12 RED LION STREET</b> <b>BOSTON</b> <b>PE21 6NY</b>			
Post town	BOSTON	Postcode	PE21 6NY

Telephone number at premises (if any)	<b>[REDACTED]</b>
Non-domestic rateable value of premises	<b>£5200</b>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- 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 Perkins Newsagent Ltd
Address 7 Market Place, Horncastle. LN9 5HB
Registered number (where applicable) Company number 14226708
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	0 1 2 0 2 6

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)

Two-story terraced building, ground floor operates as a retail convenience store, adjoining pizza shop, butcher, launderettes and barber. The premises has a glass fronted shop area with a small staff cloakroom and toilet facilities at the rear. Above the shop there are self-contained flats with a separate entrance.

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

NA



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**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors <input type="checkbox"/>
Day	Start	Finish			Outdoors <input type="checkbox"/>
Mon					Both <input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  Christmas Eve – 0800 - 2300 New year's Eve – 0800 - 2300	
Mon	0800	2200		
Tue	0800	2200		
Wed	0800	2200		
Thur	0800	2200		
Fri	0800	2200		
Sat	0800	2200		
Sun	1000	2200		

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	0500	2300	Christmas Eve – 0800 – 2300 Christmas Day – 0800 – 2200 Boxing Day – 0800 – 2200 New Year's Eve – 0800 – 2300 New year's Day – 0800 – 2200
Tue	0500	2300	
Wed	0500	2300	
Thur	0500	2300	
Fri	0500	2300	
Sat	0500	2300	
Sun	0800	2200	



**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)

The premises will operate as a small local convenience store providing the off-sale of alcohol alongside general groceries. All staff will receive training on the four licensing objectives, and the management will keep detailed records to demonstrate compliance. CCTV, staff training, and robust management controls will be used to promote the **prevention of crime and disorder, ensure public safety, prevent public nuisance, and protect children from harm.**

**b) The prevention of crime and disorder**

1. A high-quality **CCTV** system is installed and maintained, covering all entry/exit points, till area, and shop floor.  
➤ Recordings will be kept for a **minimum of 31 days** and made available to Police or authorized officers on request.
2. A **Refusals Register** and **Incident Log** will be maintained and checked weekly by the DPS or store manager.
3. A **Challenge 25** policy will be strictly enforced — anyone appearing under 25 will be asked to produce acceptable ID (passport, driving licence, or PASS-accredited card).
4. All staff involved in alcohol sales will receive **documented training** on age verification, proxy sales, and dealing with intoxicated customers, refreshed **every 6 months**.
5. Alcohol will be displayed within clear view of the counter and monitored by staff and CCTV at all times.
6. If crime, disorder, or anti-social behaviour arises, management will work closely with the **Police and local authority** to review and implement appropriate action.

**c) Public safety**

1. All **fire exits** will be kept clear and unobstructed at all times
2. **Fire extinguishers and emergency lighting** will be installed, regularly serviced and maintained in good working order
3. Staff will be trained in **fire safety and emergency evacuation procedures**, with refresher training every 12 months.
4. First-aid equipment will be provided and maintained on site
5. Adequate **lighting inside and outside** the premises will ensure safe access for customers and staff
6. The DPS will carry out **regular risk assessment** covering health and safety, trip hazards, and crowd management

**d) The prevention of public nuisance**

1. Prominent notices will be displayed at all exits asking customers to **leave quietly and respect neighbours.**
2. Deliveries and waste collections will be arranged **during normal daytime hours** to avoid disturbance.
3. The external area outside the shop will be **kept free of litter**, with regular checks throughout the day.
4. No music will be played externally, and any internal music will be at a background level only.
5. All staff will be trained to manage queues and customer behaviour to prevent noise or disturbance

Signature	[REDACTED]
Date	14/11/2025
Capacity	Director

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	

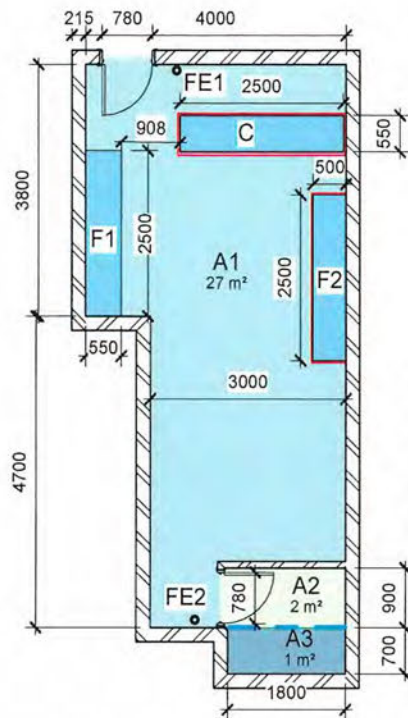
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)		[REDACTED]	
If you would prefer us to correspond with you by e-mail, your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

#### Notes for Guidance

- 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.
- 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.



# PREMISES LICENSE DRAWING FOR SUBMISSION



## Legend



- A1 - Shop
- A2 - Staff Kitchen (Cloak Room)
- A3 - Toilet
- FE1 - Fire Extinguisher
- FE2 - Fire Extinguisher
- F1 - Fridge Open
- F2 - Alcohol storing fridge
- C - Alcohol sale counter

Scale: 1:100



Name:  
T THIVAKARAN

ADDRESS:  
No 12, Red Lion Street,  
Boston

Scale: 1:1000



Code	Status
SUITABILITY DESCRIPTION	PURPOSE OF ISSUE

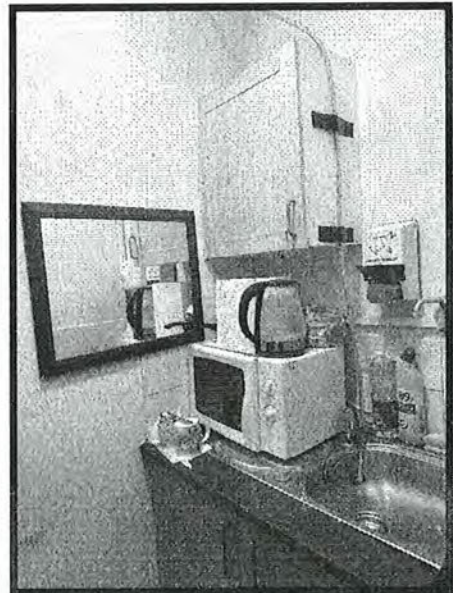
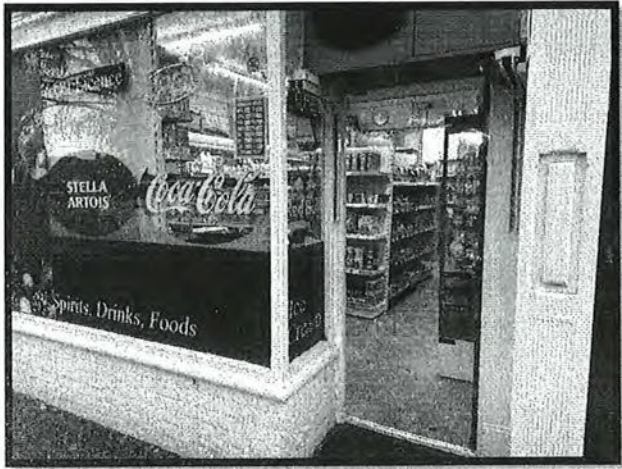
PROJECT  
**Premises Drawing**

SHEET  
**Floor plan**

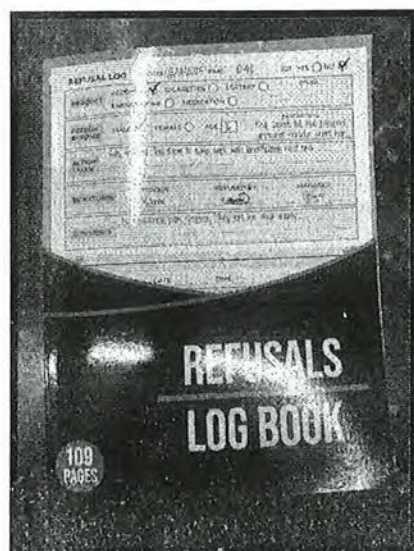
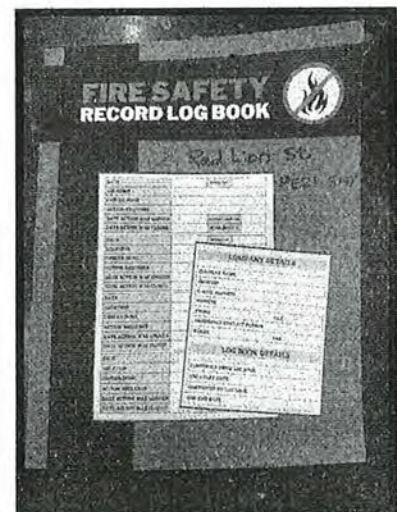
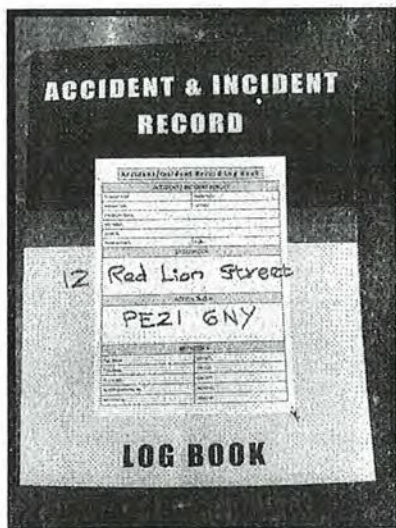
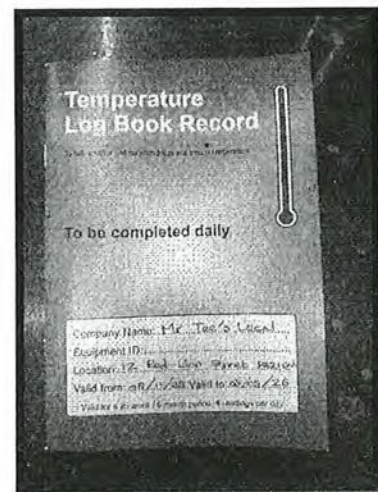
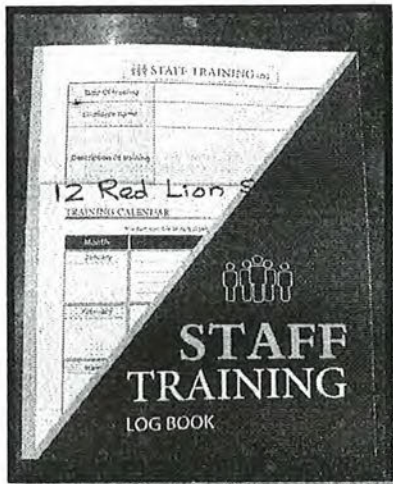
CLIENT <b>T Thivakaran</b>			
Date Issue Date	Project Number Project Number	Scale (@ A4) As indicated	REV
Drawn by Author Checked by Checker	DRAWING NUMBER <b>A102</b>		

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## Licensing Act 2003

### Representation 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 642 McConville
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:	Perkins Newsagent Ltd
Address:	12 Red Lion Street
Application Details:	New Premises Licence Application
Date Application Received:	18/11/25

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
- Prevention of Public Nuisance X
- The Protection of Children from Harm

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 2.5 .....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.....*

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

Section 2.8, 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 2.11, 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.*

#### *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, areas covered by a **Public Space Protection Order**, and any risk posed to the local area by the applicant's proposed licensable activity.*

*The Licensing Authority does not propose to implement standard conditions on licences across the board. However, it will develop its own pool of model conditions and attach such conditions as appropriate given the circumstances of each individual case. Applicants are advised to consult section 10 of the guidance issued under Section 182 of the Licensing Act when formulating their operating schedules.*

*All parties are reminded that conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and then be translated to form part of the operating schedule for the premises.*

*The pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence or club premises certificate. It does not restrict any applicant, Responsible Authority, or other person from proposing any alternative condition, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a premises licence or club premises certificate where it considers it appropriate for the promotion of the licensing objectives.*

*A list of this Authority's current model conditions is available by contacting the Council's Licensing Team at [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)*

#### *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.*
- Ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises*

*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.*

#### *Licensing Hours*

*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 premises 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.

#### *Public Space Protection Order*

Section 35.1, The Anti-social Behaviour, Crime and Policing Act 2014 allowed the Council to consult on introducing a Public Space Protection Order (PSPO) to tackle the problem of street drinking and associated crime and nuisance in Boston Town Centre. Following consultation, a PSPO was adopted in 2015 which prohibits people consuming alcohol or having an open container of alcohol in a defined area. A map of the current PSPO area is provided in the appendices.

**Section 35.2, Shops selling alcohol for consumption off the premises can be the focus of anti-social behaviour, crime and disorder and public nuisance. In the town centre, for example,**

***there are significant issues with street drinking and the associated anti-social behaviour this causes.***

*Section 35.3, When considering applications for off licences, especially within the PSPO, the authority would expect applicants to acknowledge issues relevant to alcohol related disorder, within their operating schedule. Additionally, applicants would be expected to implement measures to mitigate any detrimental impact on the licensing objectives. For example:*

- no sales of high strength beers, lagers, and ciders,*
- restricting the sale of single cans*
- undertaking appropriate staff training*
- implementing a Challenge 25 age verification policy*
- use of CCTV to cover the proposed licensable area.*
- attaching waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.*
- ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.*

*This is not an exhaustive list, and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.*

#### ***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 premises licence to sell alcohol off-sales between the hours of 08:00-22:00hrs from Monday to Saturday and 10:00-22:00 on Sundays at 12 Red Lion Street, Boston. The proposed opening hours of the premises are 0500hrs to 2300hrs Monday to Saturday and 0800-2200hrs on a Sunday. The business intends to be an off-licence selling a selection of wines, beers, spirits and other alcohol along with tobacco products, vapes, food, soft drinks and essential non-food items.



12 Red Lion Street is well known to Lincolnshire Police Licensing Team. It has held a premises licence previously and operated as off-licence. It had its premises licence reviewed and revoked in 2011 due to smuggled goods. Another premises licence was granted in 2011. That was then suspended for 3 months in 2023 and revoked in 2024 for numerous issues including non-compliance with the premises licence conditions sales of illegal vapes to a child and an adult, illegal working and smuggled goods on licence premises. There has also been a failed transfer and a failed new premises licence application in recent years due to those applying being connected to those involved with illegal cigarettes.

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

On recommendation from the Council Licensing Team the applicant contact Lincolnshire Police Licensing Team for advice prior to submission of the application. They were advised to research Boston and Red Lion Street in particular, the Public Space Protection Order and read Boston Borough Council's Statement of Licensing Policy. They were made aware of the issues around street drinking and that Red Lion Street along with nearby Market Place and Central Park are hot spots for crime.

The premises licence application is poor considering the advice given regarding research along with what is being applied for and the location of the premises. The operating schedule does not adequately reflect the risk posed. It shows a lack of understanding and knowledge of the area. Conditions which Lincolnshire Police would seek which are not part of the application include 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. The conditions that are offered lack detail. For example, CCTV does have wording around the availability to play back, there is no wording around the retention period for records be it staff training, refusals, incident book.

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 the 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 Safer Communities 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. **See appendix A - Statement of Peter Hunn.**

Lincolnshire Police's Licensing Department's role 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 request, suitable hours, PSPO type conditions, explain why and highlight the Council Statement of Licensing Policy, which during the policy's consultation in 2020 was updated with conditions to tackle street drinking and assist with the PSPO for alcohol and which has since been bolstered in 2025 with additional wording around the PSPO. (Note the applicant was made aware by Lincolnshire Police that a new statement of licensing policy was published during the consultation period, and the new additions were discussed during a meeting).

The premises is located on Red Lion Street, which sits between Strait Bargate, Market Place and Central Park in the heart of the PSPO, with many residential properties close by. Red Lion Street has been identified as an area targeted by hotspot policing patrols.

Hotspot locations, including this one were implemented by Boston Neighbourhood Policing Team as part of Op Plotting, 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 23% and 52% of ASB, with 40% being in Red Lion Street. 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%

Partnership work continues in these hotspot areas and the licensing process forms part of that, with its role in ensuring 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 reflected in Boston Borough Council's Statement of Licensing Policy, with the focus very much on prevention and deterrence, having 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, relying on alcohol, with a previous poor history where the failure of the then licence holders in upholding the licensing objectives were keenly felt. The premises is currently stocked with goods (not including alcohol) and could be open now, selling its non-alcohol goods, however on the days it has opened the takings were low and so it was decided to remain closed until it can sell alcohol showing there is a great reliance on it bringing customers in and it being a large and necessary part of the business. Therefore, Lincolnshire Police deem the risk to the licensing objectives in an area which has already seen many alcohol fuelled issues too great, regardless of suitable conditions, hours or applicant.

The applicant intends to open the premises during hours when alcohol sales are not authorised. They have been advised that previously this has caused disorder and calls to Police when customers have been refused the sale of alcohol. Advice around the need for the alcohol to be completely hidden from view during these hours and adequate signage regarding no alcohol sales during these times has been given and should also be considered as conditions should the premises licence be granted.

The applicant will openly admit that although they have operated similar style licenced premises elsewhere in Lincolnshire and beyond, they have not operated one in an area which has issues similar to Boston. They were unaware of Boston's Street drinking issues and despite being advised to research the area, being made aware of the PSPO, hot spot for crime and the licensing policy they failed to submit a robust premises licence application showing a good understating of how they could reduce their impact on the issues. Since then, the applicant has indicated that they would accept any conditions which Lincolnshire Police or the Licensing Sub-committee would see fit to place on their premises licence. It is Lincolnshire Police's view that regardless of the applicant's experience, how well intentioned they are or how well-conditioned a premises licence, even with the advice of authorities there will still be issues at this location. With off sales at a premises in the heart of the PSPO, in an area with much pedestrian through traffic as well as congregation outside premises, across the road on the wall and in the church yard, 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 A 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 is also highly likely to increase the alcohol related crime and ASB for the area, which is already high and which partners are working to reduce.

Lincolnshire Police request the Licensing Sub-committee be mindful to the consequences of granting this premises licence, and not to grant it based solely on this applicant, as although the applicant is experienced and knowledgeable, should the licence be granted there is no similar scrutiny for the next premises licence holder should it be transferred. The Police can only object to a transfer application where there are exceptional circumstances that granting the application would undermine the crime prevention objective and the police only have 14 days in which to do this including the day application is received. From when 12 Red Lion Street was first noted by Police Licensing in the summer of 2022 as undermining the licensing objectives, it took 2 reviews, 1 successful transfer the police weren't made aware of, a 3 month suspension, 1 withdrawn transfer following police objection, a revocation and one refused new premises licence application following police representation to arrive at an unlicensed premises 2 years down the line. That took 3 Licensing Sub-Committee hearings and a great deal of work mainly from Police Licensing, but also from partners such as Trading Standards, Home Office Immigration, Environmental Health Food Team, and Council Licensing who all assisted with evidence gathering and visits, but more importantly that was 2 years where licence conditions were never complied with and criminality was conducted, therefore undermined the licensing objectives and causing issues in the area. The request is to be mindful of the consequences of granting a premises licence as it's perpetual. Should responsible authorities require changes to be made to it once granted this can only occur after the licensing objectives have been undermined, and as the previous Licensing Sub-Committee's heard and saw during the reviews for 10 and 12 Red Lion Street, there can serious consequences for the area if an off-sale premises licence arrives in the hands of someone who has no intention of upholding the licensing objectives, who only considers profit and not their role or impact upon the area.

The neighbourhood policing Inspector, Ian Cotton has also provided a statement in support of this representation. **See appendix B – Statement of Insp 1367 Cotton.**

*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 central Boston, but those businesses shouldn't be at the detriment of 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 events in the locality of the Market Place and Central Park where there are requirements to keep alcohol contained within set licenced areas, on-sale premises keeping alcohol inside, and pavement licences and ensuring alcohol is contained in 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 much pedestrian traffic and 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:

'The 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.'

In the stated case of *The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council* [2005] EWHC 1318 (Admin) regarding the Council's Statement of Licensing Policy

Mr Justice Richards said:

A policy ... not only guides the decision-maker but also serves to inform an applicant about what he should consider in preparing his application... An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions.

And: The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an applicant can legitimately complain if a failure to take account of those expectations gives rise to representations...An applicant who does not tailor his application to the policy therefore faces an uphill struggle.

In the stated case of *Daniel Thwaites plc v Wirral Magistrates' Court and Others*

The Honourable Mrs Justice Black said:

'Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.'

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 worsen 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.

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    X                      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**

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**STATEMENT OF WITNESS**

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

SURNAME: **HUNN**

FORENAMES: **PETER**

Age of Witness: **Over 18**

Occupation: **SAFER COMMUNITIES MANAGER (OPERATIONS)**

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 Safer Communities Manager (Operations) 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 12<sup>th</sup> January 2018. Cabinet approved a second extension of three years on 2nd December 2020, commencing from 12<sup>th</sup> January 2021. Cabinet approved a third extension of three years which commenced on 12th January 2024 and currently runs until the 11<sup>th</sup> 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 safer communities team made under this order between 1st January 2018 and 30<sup>th</sup> 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
<b>Total</b>	<b>209</b>	<b>61</b>	<b>99</b>	<b>35</b>	<b>25</b>	<b>47</b>	<b>476</b>

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 31st December 2024), 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)	
<b>2021</b>	5	5	29	17	37	<b>93</b>
<b>2022</b>	6	2	34	20	46	<b>108</b>
<b>2023</b>	14	5	22	22	69	<b>132</b>
<b>2024</b>	15	4	55	32	73	<b>179</b>

	ASB - STREET DRINKING					Total
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	
<b>2021</b>	1	1	4	3	1	<b>10</b>
<b>2022</b>	1	0	3	1	8	<b>13</b>
<b>2023</b>	6	0	3	2	10	<b>21</b>
<b>2024</b>	2	1	1	2	8	<b>14</b>

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 Safer Communities 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. Between April 2024 to April 2025, 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:

<b>Community Rangers - Monitoring Data</b>	<b>Total April 2024 to April 2025</b>
Number of people approached in relation to the PSPO	450
Number who complied with request for details (PSPO)	335
Number of people refusing to give details (PSPO)	94
Number of people refusing to surrender the alcohol (PSPO)	51

18. These figures have shown that just within 12 months of their dedicated patrolling and enforcement of the PSPO they have 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, New Street, Red Lion Street and Strait Bargate areas, these 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 and now replaced by the Community Safety Officers who commenced their patrols in August 2025 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 and now Community Safety Officers 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

DATED

.....09<sup>th</sup> December 2025 .....

Occurrence Number:				URN			
Name of Witness:	Ian Cotton						
Home address:	Boston Police Station						
Mobile:				Email address:	<a href="mailto:ian.cotton@lincs.police.uk">ian.cotton@lincs.police.uk</a>		
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		
<b>DATES OF WITNESS NON-AVAILABILITY:</b>							

<b>Witness care</b>	
a)	Is the witness willing and likely to attend court? yes If 'No', include reason(s) on form <b>MG6</b>
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 <b>MG2</b> 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?)

<b>Witness Consent (for witness completion)</b>			
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)	<b>Child witness cases only.</b> 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:	09/12/25		

**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 **16/12/25**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 two 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?

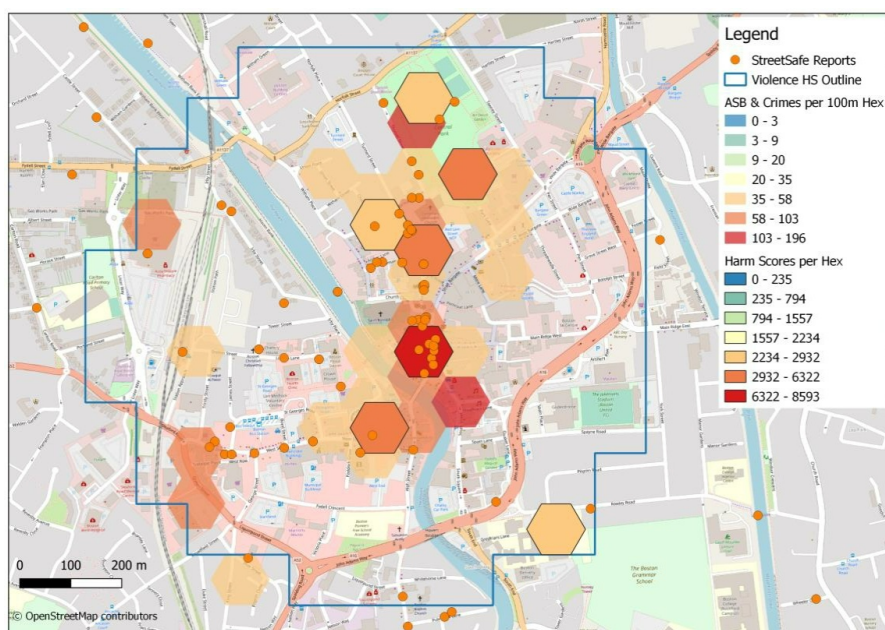
That question was asked in 2022 when police and partners surveyed the local community as part of Operation Plotting. This operation looked to address the concerns and low feelings of safety within the community. It uses a partnership approach to place resources where they are most needed. Analysis detailed 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 Town Centre including RED LION STREET, one of the identified hot-spots.

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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:

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 had 374 interactions (April – November 2024) 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.

<b>Community Rangers - Monitoring Data</b>	<b>Total April - November 2024</b>
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

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Number of people refusing to surrender the alcohol (PSPO)	41
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The area that most interactions have taken place is the Market Place and Strait Bargate areas. Very close the site of this application.

I have been asked to consider the application for an off-licence at 12 Red Lion Street, 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.

When granting licences for the area it is important that any prospective licencees understand the particular issues Boston faces in respect of alcohol abuse and street drinking. Red Lion Street, in particular, is frequented by large numbers of homeless people, who are often vulnerable and battling addiction due to the Centre Point outreach facility being based there. As a Neighbourhood Policing Team we have received complaints from businesses and residents about anti-social behaviour on the street particularly in respect of drunken behaviour.

Boston has some of the lowest footfall in the country. Agencies are working hard to provide a safe and welcoming environment in the town centre. This new shop in the town centre and to have another off-

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licence here would encourage drinking of alcohol in the nearby pedestrian areas and the nearby central park.

Since the figures above were gathered for Community Ranger interaction there has been a period where there were no rangers due to a funding gap. Since the reintroduction of the Community Wardens (as they are now known) in August 2025 they have enforced 33 times with 32 people complying with the requirements of the PSPO. They have also broadened out their remit to include working with retailers to reduce and prevent shop theft. To have these interactions in the colder quieter months shows the problem, although being tackled still exists – a reason to have all partners being exceptionally diligent when building and granting permissions in our town centre.

In 2024 over 40% of crime recorded on Red Lion Street was alcohol related (7 of 16 crimes). The crime profile of the area includes offences of violence with and without injury, theft, public order offences and drugs offences.

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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## Proposed Amendments to Premises Licence Application

Applicant: Perkins Newsagent Ltd  
Premises: 12 Red Lion Street, Boston  
Application Type: New Premises Licence (Off-Sales Alcohol)

To:  
Boston Borough Council – Licensing Team  
Lincolnshire Police – Alcohol Licensing Unit

By email:  
licensing@boston.gov.uk  
countylicensing@lincs.police.uk

Date: 16/12/2025

Dear Sir / Madam,

**Re: Premises Licence Application – 12 Red Lion Street, Boston  
Proposed Amendments to Operating Schedule**

I write in relation to the above premises licence application.

Having carefully considered the representation submitted by Lincolnshire Police and the concerns raised in respect of the prevention of crime and disorder and the prevention of public nuisance, I wish to formally submit amendments to the operating schedule.

The purpose of these amendments is to materially reduce the risk profile of the application, particularly having regard to the premises' location within the Public Space Protection Order area, the issues of street drinking and alcohol-related anti-social behaviour, and the historic concerns associated with this premises under previous operators.

The amended operating schedule significantly restricts the role of alcohol, introduces PSPO-specific controls, and provides clear, enforceable conditions designed to promote the licensing objectives.

These amendments are restrictive in nature, do not expand the scope of the application, and are offered proactively to address the concerns raised by Responsible Authorities.

I respectfully request that the Licensing Authority and Lincolnshire Police consider the application as amended. I would welcome the opportunity to discuss the revised operating schedule further prior to the hearing.

Yours faithfully,

[Redacted signature block]

For and on behalf of Perkins Newsagent Ltd

Telephone: [Redacted]

Email: [Redacted]

## **Amended Operating Schedule**

### **1. General Description of the Premises**

The premises will operate primarily as a convenience store/newsagent selling groceries, food, soft drinks, newspapers, and essential household items.

The sale of alcohol will be ancillary to the primary retail use and will not be the main focus or driver of the business. Alcohol will comprise no more than 10–15% of total stock.

### **2. Licensable Activities – Sale of Alcohol (Off-Sales Only)**

Permitted Alcohol Sales Hours:

Monday to Saturday: 12:00 – 18:00

Sunday: 12:00 – 17:00

No alcohol sales shall take place outside these hours.

### **3. Opening Hours of the Premises**

Monday to Saturday: 06:00 – 22:00

Sunday: 08:00 – 22:00

Outside authorised alcohol hours, alcohol will be secured and removed from public view.

### **4. Alcohol Display and Access**

All alcohol will be stored behind the service counter and will not be customer-accessible. No alcohol will be displayed in shop windows and no internal or external alcohol advertising will be displayed.

### **5. Alcohol Product Restrictions**

The premises shall not sell:

- Single cans or bottles of beer, lager or cider
- High-strength beer, lager or cider above 6.5% ABV
- Miniatures or super-strength products

Alcohol will only be sold in formats suitable for domestic consumption.

### **6. Prevention of Crime and Disorder**

A personal licence holder shall be present whenever alcohol is sold.

Challenge 25 policy will be operated.

Incident and refusals logs will be maintained and retained for 12 months.

Staff will receive documented training in alcohol sales, refusal procedures, conflict management and PSPO awareness.



## **7. Public Space Protection Order Controls**

Alcohol shall not be sold to persons known or reasonably suspected to be street drinkers. Clear signage will be displayed stating alcohol will not be sold for immediate consumption. The licence holder will cooperate fully with Police and Council enforcement officers.

## **8. CCTV**

A comprehensive CCTV system will be installed covering entry/exit points, alcohol sales areas and the external frontage.

Recordings will be retained for a minimum of 31 days and made available within 24 hours upon request.

## **9. Prevention of Public Nuisance**

At least 75% of windows will remain clear and unobstructed.

Customers will be encouraged to leave quietly and the area outside the premises will be kept free of litter.

## **10. Illegal Goods and Due Diligence**

No illegal or non-duty-paid goods or foreign medicines will be sold.

Supplier invoices will be retained for 12 months and right-to-work checks will be carried out.

## **11. Management and Compliance**

The premises will operate a zero-tolerance approach to crime and anti-social behaviour and will engage proactively with Responsible Authorities.

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## 2 The Licensing Act 2003

2.1 Boston Borough Council as Licensing Authority (hereinafter referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies and principles that the Licensing Authority will apply when making decisions on applications for:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club;
- The provision of regulated entertainment; and
- The provision of late-night refreshment.

The term licensee/licence holder is deemed to include licence holders, designated premises supervisors and club premises certificate holders.

This policy is intended to provide clarity to applicants, responsible authorities and other persons on how this Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment premises. Guidance, and best practice is available to assist applicants; this guidance does not form part of this Policy. The Licensing Authority will take this Policy into account if its discretion is engaged (i.e. at a hearing following relevant representations or a review hearing)

2.1.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the 4 licensing objectives. These are:

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

2.1.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with the Borough Council, its neighbouring authorities, the Police, Responsible Authorities, local businesses and local people towards the promotion of the objectives.

2.2 In preparing this policy statement the Licensing Authority has consulted with the following:

- Lincolnshire Police
- responsible authorities as defined by the Act
- representatives of licence holders and club premises certificate holders
- local businesses and their representatives

- local residents and their representatives
- Boston Borough Council Elected Members
- Parish Councils
- Other persons and organisations that the Authority considered could contribute to this Policy

A full list of consultees is available from the Licensing Section on request.

Appropriate weight has been given to the views of all those consulted prior to this policy statement taking effect.

2.3 In developing this Policy, the Licensing Authority took into account the legal requirements of the 2003 Act and had regard to other legislation and guidance, including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough
- The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses
- The Provision of Services Regulations 2009 to ensure requirements are:
  - Non- discriminatory.
  - Justified by an overriding reason relating to the public interest.
  - Proportionate to that public interest objective.
  - Clear and unambiguous.
  - Objective.
  - Made public in advance, and
  - Transparent and accessible
  - Human Rights Act, 1998
  - Violent Crime Reduction Act, 2006
  - Policing and Crime Act, 2009
  - Police reform and Social Responsibility Act, 2011
  - Live Music Act, 2012
  - Anti-Social Behaviour, Crime and Policing Act, 2014
  - The Legislative Reform (Entertainment Licensing) Order, 2014
  - Deregulation Act, 2015
  - Immigration Act, 2016
  - Equality Act, 2010

2.4 The Act describes two “bodies” that may make representations to licence applications and may apply for an existing premises licence to be reviewed by the Licensing Authority, Responsible Authorities and “other persons”. Responsible Authorities are defined in the Act.

2.5 “Other persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives and must not be considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitious.

- 2.6 The Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or a review, this authority will examine the content of the representation particularly closely. The authority will expect the author to explain in detail how, in terms of the licensing objectives, they would be affected by the application. The Licensing Authority will consider rejecting any representation or review application which does not include sufficient detail to outline harm or disturbance which may be caused.
- 2.7 The purpose of licensing is to control licensed premises and other events within the terms of the Act. Where responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, it is the duty of the Authority to grant a licence or certificate subject to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself. The Licensing Authority will not impose any further conditions unless its discretion has been engaged following the making of relevant representation(s). It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representation(s).
- 2.8 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
- 2.9 The Licensing Authority will discharge its responsibilities identified by other Local and Government strategies and policies, so far as they impact on the objectives of the Licensing Act. Some examples of these strategies and policies are:
- Government Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
  - Safer Clubbing
  - Community Safety Strategy.
  - Public Space Protection Order (PSPO) Home Office guidance or any successor to this.
- 2.10 The Licensing Authority takes the following approach to the decision-making process:
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making;
  - Other persons can include residents’/ tenants’ associations, community associations, trade associations and elected members. Councilors’ may represent

- other persons, providing they do not also sit on the Licensing Sub- Committee determining the application in question.
- We will give clear reasons for our decisions.

Where valid representations are made applications will be considered by a Licensing Sub- Committee (consisting of Councillors); we give applicants, responsible Authorities and other persons an equal opportunity to state their case in accordance with our protocol, which is available from the Licensing Section.

- 2.11 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
- 2.12 The Licensing Authority is committed to the implementation and application of this policy in such a manner and to ensure that no applicant or other person is treated less favourably on the grounds of sex, marital status, race, nationality, ethnic or national origin, colour, disability or age, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified either in licensing terms or as a requirement of law. An Equality Impact Assessment has been undertaken with respect to this policy
- 2.13 The Licensing Authority is fully committed to promoting equal opportunities and non-discriminatory practice. For further information please see: [Equality and Diversity - Boston Borough Council](#)

### 3 Integrated Strategies and the Avoidance of Duplication

- 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.
- 3.2 By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.
- 3.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Committee may therefore receive and may act upon relevant reports concerning:
- crime and disorder
  - community safety issues
  - needs of the local tourist economy
  - employment situation in the area and the need for new investment and employment where appropriate
  - planning considerations which might affect licensed premises
  - local transport arrangements



- impact of licensing on regulated entertainment and particularly live music and dancing with reference to any cultural strategy
- any other reports considered appropriate to the licensing function

3.4 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. There are several key differences between licensing and planning control. 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. Planning control relates to use of the premises. The grant of planning permission should not be a presumption that a premises licence will automatically follow and vice versa. Additionally, there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.

3.5 Applicants are strongly encouraged to make any necessary applications for Planning Permission/Building Regulations approval permission before or at the same time as they make an application for a licence/club premises certificate. Furthermore, to reduce the risk of being subject to planning enforcement, applicants are advised to ensure that:

- the activity to be authorised by the premises licence or club premises certificate is a lawful planning use; and
- the hours sought do not exceed those authorised by any planning permission.

3.6 In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

3.7 In order to avoid duplication with other existing legislation and regulatory regimes the Licensing Authority will not attach conditions to the licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will be considered unnecessary if they are already adequately covered by other legislation.

3.8 Conditions (other than mandatory conditions and those in the applicant's operating schedule) may not be attached to a premises licence or club premises certificate unless the application has been the subject of a relevant representation.

## 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, **areas covered by a Public Space Protection Order**, and any risk posed to the local area by the applicant's proposed licensable activity.

***The Licensing Authority does not propose to implement standard conditions on licences across the board. However, it will develop its own pool of model conditions and attach such conditions as appropriate given the circumstances of each individual case. Applicants are advised to consult section 10 of the guidance issued under Section 182 of the Licensing Act when formulating their operating schedules.***

***All parties are reminded that conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and then be translated to form part of the operating schedule for the premises.***

***The pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence or club premises certificate. It does not restrict any applicant, Responsible Authority, or other person from proposing any alternative condition, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a premises licence or club premises certificate where it considers it appropriate for the promotion of the licensing objectives.***

***A list of this Authority's current model conditions is available by contacting the Council's Licensing Team at [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)***

## 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 underage 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 waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.
- ***Ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.***

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](http://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 ***The safety of those using licensed premises and the night-time economy, is an important factor which the Licensing Authority, licence applicants, and licence holders must take into consideration. Incidents of spiking of drinks and spiking by injection are on the increase nationally and as such the Home Office has published a national strategy on tackling the matter. Applicants and licence holders are encouraged to:***

- ***make sure staff are trained to identify and report issues, including awareness and safety of lone customers leaving the venue, especially if the customers appear vulnerable and unwanted contact between customers.***
- ***make sure the correct staff are in place, for example in a town centre venue door supervisors may be required, if you are a late-night venue a member of staff to deal with customer welfare may also be required.***
- ***make sure staff are aware of the closest taxi rank and licensed vehicles that offer an evening/late night services and have contact details available for taxi and private hire firms, booking a vehicle for customers if needed.***
- ***have a safe place to take customers if required.***
- ***have systems in place to prevent drugs from entering the premises and dealing with issues of drug use, for example, regular checks of toilets.***
- ***ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the Police. It is also helpful to the Police if staff at licensed premises obtain full details and description of the person reporting the incident.***
- ***Record all details of the incident in the premises incident book.***
- ***Secure the drinking vessel(s) that is suspected of being spiked, and the drinking vessel of the suspect, so this can be tested at a later time.***
- ***Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends, offering assistance if needed, and providing a safe space for the customer.***
- ***Premises should also review the functionality of any CCTV and ensure it is not obscured.***

- **Consider providing information (such as posters) regarding drink spiking in the premises.**
- **Consider use of anti-spiking bottle stoppers and protective drink covers.**

**4.2.5 Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety. The following schemes are recommended by this Authority:**

**Ask For Angela - Ask for Angela is a non-profit scheme that aims to ensure that anyone who is feeling vulnerable or unsafe, regardless of gender or sexuality, can get the support they need. This initiative advises customers, through posters in venue toilets that, if they 'Ask for Angela' at the bar, staff will be alerted to the fact that the person feels unsafe or threatened. Staff will know that the individual needs support to leave their situation, and can call them a taxi, escort them to their car or call the Police. Applicants and licence holders can find out more about the scheme at [www.askforangela.co.uk](http://www.askforangela.co.uk)**

**Best Bar None - a national award scheme, supported by the Home Office, that aims to improve standards in local night-time economies by sharing and promoting best practice. Best Bar None accredited venues have been assessed for their commitment to excellence in safety, customer service, and responsible alcohol management practices. Applicants and licence holders can find out more about the scheme at [www.bestbarnone.com](http://www.bestbarnone.com)**

**Licensing SAVI - a police backed self-assessment tool designed to help licensed premises provide a safer and more secure environment for their managers, staff, customers and local communities. Applicants and licence holders can find out more about the scheme at [www.licensingsavi.com](http://www.licensingsavi.com)**

**Community Alcohol Partnerships - retailer-led partnership to tackle issues of underage drinking and promote greater awareness and understanding of alcohol among young people. Applicants and licence holders interested in joining Boston Community Alcohol Partnership can obtain more information from the Licensing Team.**

- 4.2.6** It will be the responsibility of licence/certificate holders/designated premises supervisors to ensure they have complied with all Health and Safety legislation.
- 4.2.7** 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.
- 4.2.8** 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
  - A ‘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 logbook 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 holders, and 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](http://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, passport **or any government approved digital ID before sale of alcohol or entry into relevant 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.

4.4.12 ***The Licensing Authority encourages licence holders and operators of licensed premises to:***

- ***ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and***
- ***raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.***

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## 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 25.

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.

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## 35 Public Space Protection Order

**35.1** *The Anti-social Behaviour, Crime and Policing Act 2014 allowed the Council to consult on introducing a Public Space Protection Order (PSPO) to tackle the problem of street drinking and associated crime and nuisance in Boston Town Centre. Following consultation, a PSPO was adopted in 2015 which prohibits people consuming alcohol or having an open container of alcohol in a defined area. A map*



*of the current PSPO area is provided in the appendices.*

**35.2** *Shops selling alcohol for consumption off the premises can be the focus of anti-social behaviour, crime and disorder and public nuisance. In the town centre, for example, there are significant issues with street drinking and the associated anti-social behaviour this causes.*

**35.3** *When considering applications for off licences, especially within the PSPO, the authority would expect applicants to acknowledge issues relevant to alcohol related disorder, within their operating schedule. Additionally, applicants would be expected to implement measures to mitigate any detrimental impact on the licensing objectives. For example:*

- no sales of high strength beers, lagers, and ciders,*
- restricting the sale of single cans*
- undertaking appropriate staff training*
- implementing a Challenge 25 age verification policy*
- use of CCTV to cover the proposed licensable area.*
- attaching waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.*
- ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.*

*This is not an exhaustive list, and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.*

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## Appendix 2 – Public Space Protection Order

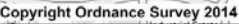
***The Council has consulted upon and introduced a Public Space Protection Order (PSPO) which seeks to limit street drinking within the town centre. More information can be found here: [Boston Town Centre Public Spaces Protection Order for Alcohol](#)***

***The current PSPO runs until 11 January 2027.***

***The wording of the PSPO is as follows and covers the shaded area shown in the map below.***

***“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.”***



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# 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](http://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.

## The guidance

- 1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised

guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

## **Purpose**

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

## **Legal status**

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

## **Licensing policies**

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.



But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

## **Licensable activities**

1.13 For the purposes of the 2003 Act, the following are licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Further explanation of these terms is provided in Chapter 3.

## **Authorisations or permissions**

1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
- Temporary event notice – to carry out licensable activities at a temporary event.
- Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

## **General principles**

1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

## **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.
- 1.18 When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits

## **Additional guidance**

- 1.19 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.

## **Other relevant legislation**

- 1.20 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:
- The Gambling Act 2005
  - The Environmental Protection Act 1990
  - The Noise Act 1996
  - The Clean Neighbourhoods and Environmental Act 2005
  - The Regulatory Reform (Fire Safety) Order 2005
  - The Health and Safety at Work etc. Act 1974
  - The Equality Act 2010

- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

## 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:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and



- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

2.17 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.18 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.19 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.20 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

## 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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## 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 England<sup>4</sup> 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.
- 8.9 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities; the Environment Agency; the Canal and River Trust; and the Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA)). In practice, the Environment Agency and the Canal and River Trust only have responsibility in relation to vessels on waters for which they are the navigation statutory authority.
- 8.10 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships (those carrying more than 12 passengers) wherever they operate and small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety

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<sup>4</sup> 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.



inspectors should normally be able to make “nil” returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.

- 8.11 Merchant Shipping legislation does not, however, apply to permanently moored vessels. So, for example, restaurant ships moored on the Thames Embankment, with permanent shore connections should be considered by the other responsible authorities concerned with public safety, including fire safety. Vessels carrying no more than 12 passengers which do not go to sea are not subject to MCA survey and certification, but may be licensed by the local port or navigation authority.
- 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](http://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.

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## Steps to promote the licensing objectives

- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
- 8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the consideration given to the licensing objectives and any measures that are proposed to promote them.

[REDACTED]

[REDACTED]

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# 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

Category	Group 1 (Blue)	Group 2 (Orange)	Group 3 (Green)	Group 4 (Red)	Group 5 (Purple)
No opinion	10%	15%	10%	10%	10%
Don't know	10%	10%	10%	10%	10%
Not a priority	10%	10%	10%	10%	10%
A priority	10%	10%	10%	10%	10%
Very important	10%	10%	10%	10%	10%

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The image displays a horizontal bar chart with 10 distinct groups of bars. Each group is introduced by a small black square on the left. The bars within each group vary in length, representing different data points. The groups are arranged vertically, and the bars are all black, making them indistinguishable from the background in terms of color. The overall structure suggests a comparison of multiple categories or a progression of data across 10 different sets.

## Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the [www.legislation.gov.uk](http://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 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.

# 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.

## **Naming, packing and promotion in retail premises**

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.

10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

## 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.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

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.

The diagram consists of two groups of horizontal bars. The top group has four bars: the first is short, the second is long, the third is medium, and the fourth is long. The bottom group has eight bars: the first is short, the second is long, the third is medium, the fourth is long, the fifth is medium, the sixth is long, the seventh is long, and the eighth is short. All bars are black and have a uniform height.

<sup>7</sup> See chapter 16 for when a performance of a play is licensable.



# 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.

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

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- (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.