



Public Document Pack
Boston Borough Council

**Chief Executive
Rob Barlow**

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: 01205 314200

Thursday 16 April 2026

Notice of meeting of the Licensing Sub-Committee

Dear Councillor

You are invited to attend a meeting of the Licensing Sub-Committee
on **Friday 24th April 2026 at 10.00 am**
in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow
Chief Executive**

Membership:

Panel Members: Councillors Stuart Evans, Andy Izard and Suzanne Welberry
Substitute: Councillor Stephen Woodliffe

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 Pilgrim's Local, 3-4 Market Place, Boston

(Pages 1 - 122)

(A report by Anna McDowell, Senior Licensing Officer.)

2 Exclusion of the Public and Press

To consider resolving –

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

Applying to: Appendix 2 – Premises Licence Application.

Notes:

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

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

Alternative Versions

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

The procedures for the hearing appear overleaf.

Licensing Hearing Procedure

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.



Report To:	Licensing Committee – Sub-Committee
Date:	24 th April 2026
Subject:	Pilgrim's Local, 3-4 Market Place, Boston
Purpose:	To consider an application for a premises licence where relevant representation has been received
Key Decision:	No
Portfolio Holder:	N/A
Report Of:	Christian Allen, Assistant Director - Regulatory
Report Author:	Anna McDowell - Senior Licensing Officer
Ward(s) Affected:	Not applicable
Exempt Report:	No

Summary

This hearing is to consider an application for the grant of a Premises Licence, the applicant being Mr T Arulunanthapillai, 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 An application for the grant of a premises licence under the Licensing Act 2003 has been received.
- 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.
- 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 On 10 February 2026 an application for a Premises Licence was received for 3-4 Market Place, Boston. The premises is located in Boston town centre in a predominantly commercial use area. A location plan is attached at **appendix 1**.
- 2.1.2 The activities and hours applied for are detailed below and a copy of the application is attached at **appendix 2**.

The applicant seeks a licence to permit the retail sale of alcohol for consumption off the premises as follows:

Monday – Sunday: 08.00 hours until 23.00 hours

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

2.1.3 In submitting the application the applicant is required to describe any steps they intend to take to effectively 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 10 March 2026 a relevant representation was received from Lincolnshire Police in their capacity as a responsible authority. The representation raises concerns regarding the operation of the premises in the centre of a Public Space Protection Order (PSPO) area, where alcohol related crime and antisocial behaviour is a prevalent issue. The PSPO was introduced in 2015 and restricts the consumption of alcohol within the specified area. A copy of the PSPO is attached at **appendix 3**.

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

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

2.3 Options

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

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

2.4 Considerations

- 2.4.1 In some areas where the number, type or density of licensed premises, such as those selling alcohol is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area. Where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives, a cumulative impact assessment may be published by a licensing authority to help it to limit the number or types of licence applications granted. However, the committee should be mindful that no such provision is in place, and refusal of a premises licence should be avoided where it is on the grounds that there is not a need for such premises. Similarly, the committee should consider whether conditions consistent with the Councils Statement of Licensing Policy would effectively promote the licensing objectives.
- 2.4.2 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what would be suitable to achieve that end. This does not require a licensing authority to decide that no lesser step will achieve the aim, but the authority should aim to consider the potential burden that the condition would impose on the Premises Licence holder as well as the potential benefit in terms of the promotion of the licensing objectives.
- 2.4.3 It is imperative that the Sub-Committee ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside of those parameters and determination must be based on an assessment of the evidence of both the risks and benefits either for or against making the determination.
- 2.4.4 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. If consideration is given to attaching or amending conditions, they:
- Must be appropriate for the promotion of the licensing objectives;
 - Must be precise and enforceable;
 - Must be unambiguous and clear in what they intend to achieve;
 - Should not duplicate other statutory requirements or other duties or responsibilities placed on the licence holder by other legislation;
 - Must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - Should not replicate offences set out in the 2003 Act or any other legislation;
 - Should be proportionate, justifiable and capable of being met;
 - Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - Should be written in a prescriptive format.

2.4.5 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**.

2.5 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 **appendix7**.

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

The Legal and Constitutional implications are contained within the report.

Data Protection

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

Financial

None

Risk Management

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

Stakeholder / Consultation / Timescales

None

Reputation

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

Contracts

None

Crime and Disorder

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

Equality and Diversity / Human Rights / Safeguarding

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

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

Safeguarding Implications: None

Health and Wellbeing

None

Climate Change and Environmental Implications

None

Acronyms

PSPO – Public Space Protection Order

Appendices

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

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

Please note that the full copy of Appendix 2 is not for publication on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended).

Background Papers

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

Chronological History of this Report

None

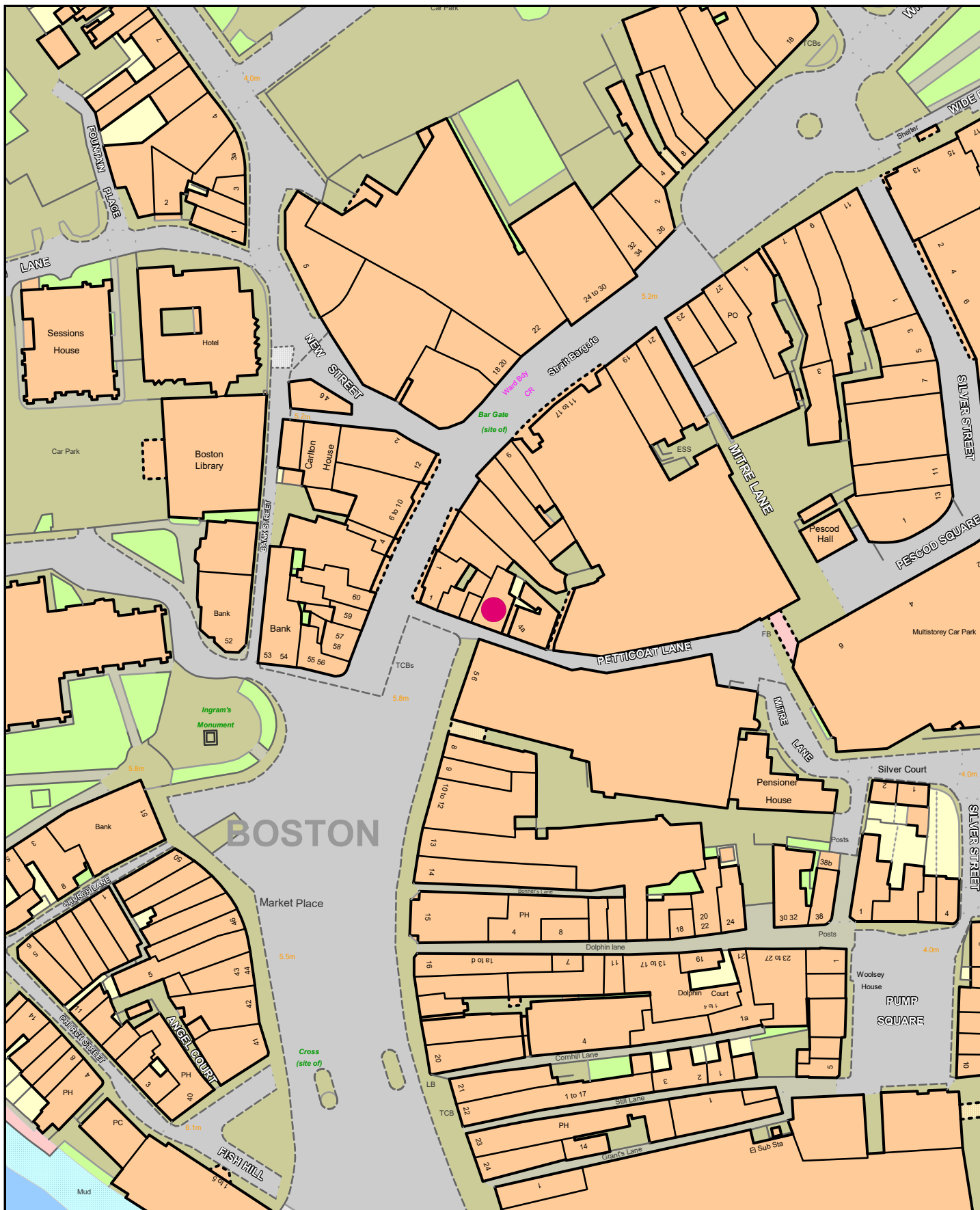
Report Approval

Report author:

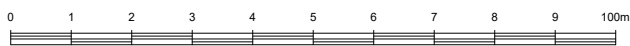
Anna McDowell, Senior Licensing Officer
anna.mcdowell@boston.gov.uk

Signed off by:

Christian Allen, Assistant Director – Regulatory
christian.allen@boston.gov.uk



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10 FEB 2026

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Thiviyanthan Arulananthapillai**

(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			
Pilgrim's Local, 3-4 Market Place, Boston, Lincolnshire, PE21 6EQ			
Post town		Postcode	
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£36000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals **YES**
- b) a person other than an individual *
 - i as a limited company/limited liability - partnership
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)

- | | | |
|-----|---|-----------------------------|
| iv | other (for example a statutory corporation) | please complete section (B) |
| c) | a recognised club | please complete section (B) |
| d) | a charity | please complete section (B) |
| e) | the proprietor of an educational establishment | please complete section (B) |
| f) | a health service body | 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 | 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; - YES X

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr		Other Title (for example, Rev)	
Surname Arulananthapillai		First names Thiviyanthan	
Date of birth	[REDACTED]	I am 18 years old or over	Yes
Nationality	[REDACTED]		
Current residential address if different from premises address	[REDACTED]		
Post town		Postcode	
Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	info@absolutelicencesolutions.com		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

SECOND INDIVIDUAL APPLICANT (if applicable)

		Other Title (for example, Rev)	
Surname		First names	
Date of birth	I am 18 years old or over		Please tick yes
Nationality			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)			
Current residential 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:
Address:
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
a	s	a p

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)

Convenience Store

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

--

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) - YES

In all cases complete boxes K, L and M

J

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

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

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

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

M

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

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

SEE BELOW:

The applicant is an experienced operator with retail experience in an off-sales environment, this application recognises that whilst there is no CIZ in place, there is a PSPO in effect. Conditions have been tailored to mitigate the risk or encouraging street drinking.

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

1. All spirits shall be stored securely behind the sales counter and shall not be available for customer self-selection.
2. Alcohol shall only be supplied by trained staff upon customer request and only when a staffed till point is in operation.
3. No beers, lagers, ciders or similar products exceeding 6.5% ABV shall be stocked or sold.
4. No multipacks shall be sold where any container within the multipack exceeds 6.5% ABV.
5. No single cans or bottles of beer, lager or cider shall be sold save for bottles of 620ml or above.
6. A CCTV system shall be installed, maintained and operated covering the entrance/exit, counter area, customer area and alcohol storage areas.
7. CCTV images shall be retained for a minimum of 31 days and shall be made available to Police or authorised officers on request.
8. A member of staff trained in the operation of the CCTV system shall be present at all times when the premises is open.
9. An incident log shall be kept recording any crimes, disorder, or alcohol-related issues and made available for inspection upon request.
10. The premises shall not sell alcohol to any person who is drunk or to any person suspected of purchasing alcohol for street drinking or proxy purchasing.

- c) **Public safety**

11. The premises shall be adequately lit inside and at the entrance.
12. Staff shall monitor the area immediately outside the premises and discourage loitering associated with alcohol purchasing.
13. Alcohol shall not be supplied in open containers.

d) The prevention of public nuisance

14. No advertising of alcohol pricing shall be displayed in shop windows or externally.
15. The premises shall not operate irresponsible alcohol promotions or deep-discount sales designed to encourage excessive purchasing.
16. Staff shall take reasonable steps to discourage anti-social behaviour linked to alcohol sales in or immediately outside the premises.

e) The protection of children from harm

17. The premises shall operate a Challenge 25 age-verification policy.
18. Acceptable identification shall be passport, UK photo driving licence, or PASS-approved proof of age card.
19. A refusals register shall be maintained for all refused alcohol sales and kept for a minimum of 12 months.
20. All staff involved in alcohol sales shall receive documented training before being authorised to sell alcohol and refresher training at least every six months.
21. Training records shall be kept on the premises and made available for inspection upon request.
22. Clear signage shall be displayed stating that Challenge 25 is in operation and proxy sales are illegal.

Checklist:

Please tick to indicate agreement

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


Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	Tuesday, 10 February 2026
Capacity	Authorised Agent

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

Signature	
Date	
Capacity	

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</p> <p>ABSOLUTE LICENCE SOLUTIONS LTD, 1 Western Avenue</p>			
Post town	BRENTWOOD	Postcode	CM14 4XR
Telephone number (if any)	01277415799		
<p>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</p> <p>INFO@ABSOLUTELICENCESOLUTIONS.COM</p>			

PUBLIC SPACES PROTECTION ORDER – ALCOHOL

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

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

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

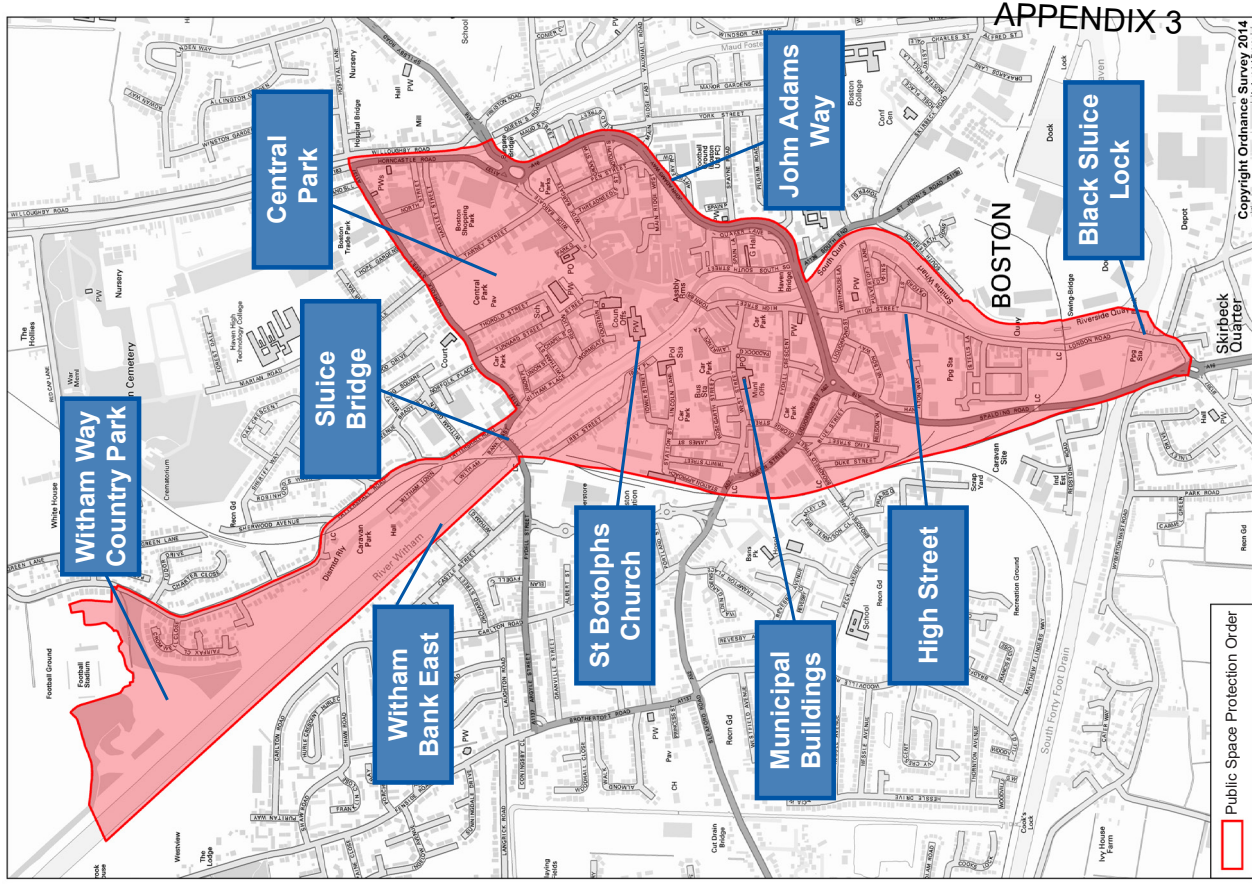
1. This Order applies to all persons within the area, whether resident or otherwise, at all times.
2. Pursuant to section 63 of the Act, where a Police Officer, Community Support Officer or other Authorised Person requires that a person desists from consuming alcohol (or the item reasonably believed

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

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

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

4. A Police Officer, Community Support Officer or other Authorised Person may dispose of anything surrendered pursuant to this Order, as they see fit. For any queries please contact Community Safety Team on community.safety@boston.gov.uk



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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:	Pilgrim's Local - applicant Thiviyanthan ARULANANTHAPILLAI
Address:	3-4 Market Place, Boston
Application Details:	New Premises Licence Application
Date Application Received:	11/2/26

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

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

In relation to this application, the following guidance, policies, case law and legislation has been considered.

Revised Guidance issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

Section 2.20, 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 2.21, 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 2025 to 23 November 2030 (the sections in bold are additions to the latest policy)

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.

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

4 Licensing Objectives.

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

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

*In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects applicants to demonstrate knowledge of the area within which the licensed premises is situated. This would include, for example, proximity to residential properties, areas where children congregate , **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

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

4.2.5 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: 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

4.3 Prevention of Public Nuisance

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

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

Section 4.3.3, When addressing public nuisance the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to

adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule. For example, the Licensing Authority expects an applicant to identify how public nuisance will be controlled in outside areas, particularly in smoking areas, that are not within the boundary of the licensed area. This would include prohibiting the consumption of alcohol.

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

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

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

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

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

9 Licence Hours

Section 9.1, Under the Act there are no standard permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to be open for the sale of alcohol and to apply to vary their existing licences if they wish to sell alcohol beyond their current

hours. However, there is no general presumption in favour of lengthening licensing hours in any area of the Borough and the four licensing objectives will be the paramount consideration at all times.

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

Section 9.3, Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes subject to paragraph 5.2 above. However, in the case of individual shops that are known to be or are in an area which is known to be a focus of disorder and disturbance, or in largely residential areas where the proposed operation is likely to result in noise nuisance, subject to receiving relevant representations, a further limitation on licensing hours may be appropriate.

11 Designated Premises Supervisor

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

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

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

35 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 34 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 antisocial behaviour, crime and disorder and public nuisance. In the town centre, for example, there are significant issues with street drinking and the associated antisocial 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.**

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 0800-2300, 7 days a week at 3-4 Market Place, Boston. The proposed opening times of the premises match those of the alcohol sales.

In January 2025 and July 2025 premises licence applications for this location were refused at hearing following representations made by Lincolnshire Police. At the first hearing the sub-committee 'did not consider that conditions would appropriately address the issues of crime and

disorder or public nuisance which was already evidenced in the area'. Please see Appendix A for the decision notice. At the second hearing the sub-committee again felt that 'there were no conditions which would appropriately promote the licensing objectives'. Please see Appendix B of the decision notice.

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

In relation to this new application, much like the previous two, there was no pre-application consultation with Lincolnshire Police. Lincolnshire Police have reached out to the applicant as they are not the same individual as the previous two applications and met with them.

This premises licence application is an improvement on the previous ones as there is reference to the Public Space Protection Order (PSPO) although it lacks some of the conditions recommended in the Council's Statement of Licensing Policy. Lincolnshire Police also feel that condition B4 'No multipacks shall be sold where any container within the multipack exceeds 6.5% ABV' is not needed if condition B3 'No beers, lagers, ciders or similar products exceeding 6.5% ABV shall be stocked or sold' is in place.

Lincolnshire Police are pleased that the applicant has included CCTV, incident books, challenge 25 and conditions relating to high ABV beer/lagers, and no single can sales however, the conditions offered are not comprehensive for what is being applied for and the location of the premises and so does not adequately reflect the risk posed. It shows a lack of understanding and knowledge of the area and of licensing. Many conditions which Lincolnshire Police would seek for an off-sales premises within the PSPO are not part of the application, such as additional street drinking conditions around alcohol labelling, right to work checks, no foreign medicines for sale, windows clear of covering for an unobstructed view and a personal licence holder on premises. Some of the conditions that are offered are not specific or measurable and lack detail. For example, the CCTV condition does not state that a playback facility will be available, staff training does not mention how long records are to be kept for, the incident logbook does not give a retention period.

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

Boston Borough Council and Partners have been working to improve the quality of life for those living, working in and visiting the area. Mr Peter Hunn Boston Borough Council's Community Safety Manager and team leader of the Council's Enforcement Team responsible for Anti-Social

Behaviour has provided a statement in support of this representation. It provides background to the PSPO along with statistics around its enforcement. Please see Appendix C for the statement of Mr Hunn. Lincolnshire Police Boston Borough Neighbourhoods Inspector Ian Cotton has also provided a statement detailing neighbourhoods policing view, which can be seen at Appendix D.

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, where suitable, request reasonable hours, PSPO type conditions, explain why and highlight the Council Statement of Licensing Policy, which during the policy's last consultation was updated with further input around the PSPO for alcohol. With the previous policy 5 years before that being the first to advise on street drinking conditions.

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

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

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

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

	Alcohol prevalence	
	ASB	Crime
West Street	20%	33%
Market Place	52%	30%

Red Lion Street	40%	26%
Central Park	23%	15%

Ongoing Partnership work is occurring in these hotspots and licensing forms part of that, to ensure Boston has premises licences conditioned suitably for the risk and that operators are responsible, uphold the licensing objectives and operate within the law. Specific officers are employed by the Council to enforce the PSPO, along with Police and Community Support Officers.

Boston Borough Council's Statement of Licensing Policy most recent publication includes street drinking and the PSPO to a greater degree than previous editions, with the ethos being very much on prevention and deterrence. The previous two premises licence refusals were prior to this new policy being in place.

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, in a hot spot area for the highest alcohol related ASB and therefore deem the risk to the licensing objectives too great, regardless of suitable conditions and hours.

The applicant has informed the Police that he is not from Boston and has not run a business in Boston before. He operates similar premises elsewhere in various parts of the country and tells the Police he's the premises licence holder (PLH) of 3 premises either as an individual or as a director of the company holding the premises licence and he is the DPS of these three premises. He is also the part owner of another licenced premises in Morton near Gainsborough where he is not the PLH/DPS. The applicant does not live locally.

The applicant has informed the Police that at present he has not taken ownership of the business that operates from 3-4 Market Place, nor has he signed a lease or asset purchase agreement. Discussion regarding these is currently being had with the previous premises licence applicant/current business owner and much depends on whether a premises licence is granted.

Discussions were had with the applicant on the planned percentage of turnover from alcohol sales. The applicant said it would be hard to say, however as there was competition nearby for household items/food stuffs he could see it being 30-40%.

It is Lincolnshire Police's view that regardless of how good an applicant is in terms of experience, or how well-conditioned a premises licence may be there will still be issues at this location if alcohol is sold for off-sale. With off sales at a premises in the heart of the PSPO, in a busy largely pedestrian area, where seating is provided and congregation is common, there will be little the licence holder can do to change the behaviour of the customers once they leave the premises if

they are set on consuming the alcohol they have just purchased. As appendix C and D shows there is still an issue with street drinking and the granting of this licence will increase that work for the Council and police enforcement officers of the PSPO. It will also likely increase the alcohol related crime and ASB for the area, which is already high and which partners are working on to reduce.

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

2.11, 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.

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

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

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

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

Relevant case law taken from [Alcohol licensing: using case law - GOV.UK](https://www.gov.uk/guidance/alcohol-licensing-using-case-law)

The British Beer and Pub Association v Canterbury City Council

This is an important case looking at what Licensing Authorities can and should include in their Statements 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.'

Responsible Authorities should be encouraged by this case to take an active role in the preparation and drafting of Statements of Licensing Policy, because these policies are an important tool in shaping the activities that take place in each vicinity. A well drafted policy gives a strong and clear basis for representations on individual matters and helps licensing committees make robust decisions.

In the case of East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)(2016).

In this case, the High Court upheld the Licensing Committee's decision to revoke a premises licence where the licensee had employed an illegal worker.

The significance of the case is that it reaffirms the principle that Responsible Authorities need not wait for the licensing objectives to actually be undermined before objecting to a licence being granted. This case would be most relevant when opposing a grant application.

Commenting on the way committees and courts should approach the promotion of the licensing objectives, 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 case of Daniel Thwaites plc v Wirral Magistrates' Court and Others (2008).

This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them.

This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in

their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications.

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'.

Westminster City Council v Middlesex Crown Court and Chorion plc (2002).

This case is important because it sets out the approach that courts on appeal should take where a council has a policy. Responsible Authorities should be encouraged by this case to help shape their council's licensing policy so that it sets out a strategic approach to promoting the licensing objectives in their particular area. A clear policy will provide a strong basis to impose conditions, refuse licences and so on, which should then be upheld by the court on appeal because the reasons for the conditions or refusals will be well-founded and readily understood. It would be most relevant when updating Statements of Licensing Policy.

Mr Justice Scott Baker said:

'It must accept the policy and apply it as if it were standing in the shoes of the Council considering the application.'

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

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

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

None, due the location and planned operation style.

Have you contacted the applicant to discuss this representation?

Yes Y No

Do you consider mediation could resolve the issue?

Yes No X

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

Yes X No

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

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

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

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

The Parties:

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

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

Policy and Guidance:

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

Decision and Reasons:

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

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

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

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

Appeal:

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


Lincoln Magistrates Court, 358 High St, Lincoln LN5 7QA

Upon hearing an appeal the Magistrates' Court may

- a) Dismiss the appeal,

- b) Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - c) Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,
- And make such order as to costs it thinks fit.

Signed:



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

Dated: 22nd January 2025

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

Appendix B

Date of hearing	30 July 2025
Members of Sub-Committee	Cllr L Savickiene Councillor R Austin Councillor S Woodliffe
Premises Licence Applicant	Jaffna Ltd
Premises Address	3-4 Market Place, Boston
Date Application Received	10 June 2025
Details of Application	Application for the grant of a Premises Licence

The Parties:

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

At the hearing the Sub-Committee heard from Anna McDowell (Senior Licensing Officer), Mr Rasalingham (the applicant), and Lincolnshire Police.

Policy and Guidance:

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

Decision and Reasons:

The sub-committee heard from Lincolnshire police that the premises is in the heart of the PSPO area. Whilst the matter should be dealt with on its own merits nothing much had changed since the earlier application and the application belied the experience of the applicant. The application does not acknowledge that the premises is within the PSPO and doesn't engage with the problem with street drinking in the town or adequately address or promote the licensing objectives. The conditions proposed don't adequately address issues – examples were given in relation to the CCTV condition offered. The police provided a background to the levels of incidents

occurring in the area. The police further noted that on 11th July 2025 the premises failed a test purchase selling a vape to an underage child – in respect of identification the child was told to 'bring it next time' by the staff member who still sold the vape to the child.

Mr Rasalingham advised the sub-committee that the application include more conditions and they had good measures in place. In respect of the underage vape sale he acknowledged that the staff member shouldn't have sold the vape and that staff member had been put on further training. Mr Rasalingham advised he was on the premises most days and had 2 other members of staff. Mr Rasalingham advised he would be willing to include a partition in the premise with manual access to the alcohol area.

The sub-committee noted that the premises had been open for some months now and were of the view that the applicant should be fully aware of the PSPO and the issues in the area. They were concerned that despite that the application did not appropriately promote the four licensing objectives. They noted the failed test purchase and the response of the staff member regarding ID. The sub-committee considered conditions and were of the view that there were no conditions which would appropriately promote the licensing objectives, they noted as part of that the evidence of the failed test purchase. The sub-committee considered excluding a licensable activity but there was only one activity applied for and would be the same as refusing the application. They considered refusing to specify a person as the DPS but did not consider this would promote the licensing objectives. The sub-committee decided that it was appropriate for the promotion of all 4 of the licensing objectives that the application should be refused.

Appeal:

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

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Upon hearing an appeal the Magistrates' Court may

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

direction of the court,
And make such order as to costs it thinks fit.

Signed:

S. Woodliffe
J. Savickienė
Rupert

Licensing Sub-Committee

Boston Borough Council

STATEMENT OF WITNESS

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

SURNAME: **HUNN**

FORENAMES: **PETER**

Age of Witness: **Over 18**

Occupation: **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 12th January 2018. Cabinet approved a second extension of three years on 2nd December 2020, commencing from 12th January 2021. Cabinet approved a third extension of three years which commenced on 12th January 2024 and currently runs until the 11th January 2027.

6. The statutory requirement also states that before the time a PSPO is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent; (a) occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time. An extension under this section (3) (a) may not be for a period of more than 3 years (b) and must be published in accordance with regulations made by the Secretary of State. A PSPO may be extended under this section more than once.

7. Part 4 of the Act (Community Protection, Chapter 2, Section 61) sets out the provisions for the variation and discharge of orders where a PSPO is in force, allowing the local authority that made the order to vary it in the following ways:
 - (a) by increasing or reducing the restricted area.
 - (b) by altering or removing a prohibition or requirement included in the order or adding a new one. In addition:

- (c) a local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (d) a local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (e) a Public Spaces Protection Order may be discharged by the local authority that made it.
- (f) where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (g) where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.
8. The table below gives a full statistical update of enforcement action undertaken by the local police and safer communities team made under this order between 1st January 2018 and 31st December 2025. The police or council officers spoke to 784 individuals during that period for consuming alcohol within the controlled area. 108 individuals out of the 784 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 31st December 2025

	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 Dec 2023	Jan to Dec 2024	Jan to Dec 2025	Total
Stage 1 Advice	179	54	84	32	24	49	161	93	676
Stage 2 Warning	21	6	12	2	1	5	16	16	79
Community Protection Notice Warning	7	1	3	1	0	2	6	4	24
Community Protection Notice	1	0	0	0	0	0	0	3	4
Community Protection Breaches	0	0	0	0	0	0	0	0	0
Fixed Penalty Notice	1	0	0	0	0	0	0	0	1
Total	209	61	99	35	25	56	183	116	784

10. The data provided shows that targeted work undertaken by the Police and Council Community Rangers during April 2024 to March 2025 impacted the number of people being approached within the PSPO and increased the number of advice and warning letters issued. These figures picked up again from August 2025 with the introduction of Community Safety Officers in the Council. 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 has been 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						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023	14	5	22	22	69	132
2024	15	4	55	32	73	179

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

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:

Community Rangers - Monitoring Data	Total April 2024 to April 2025
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 27th February 2026

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

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

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

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

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

Statement taken by (print name):	Self	Station:	Boston
Time and Place Statement taken:	02/03/26 Boston Police Station		

WITNESS STATEMENT

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

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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 **02/03/26**

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

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

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

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

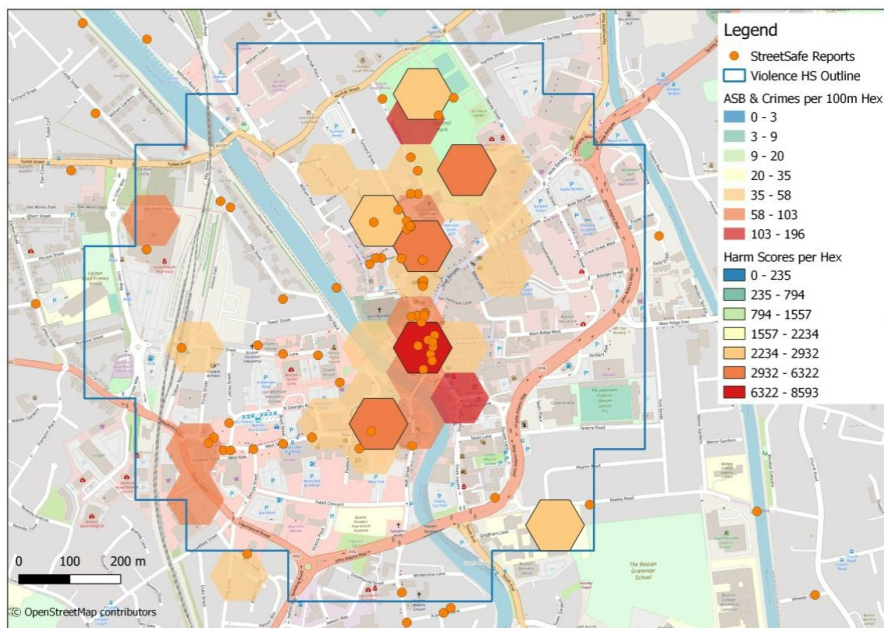
That question was asked in 2022 when police and partners surveyed the local community as part of Operation Plotting. This operation looked to address the concerns and low feelings of safety within the community. It uses a partnership approach to place resources where they are most needed. Analysis detailed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

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

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Statement of: _____



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

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

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

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

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Statement of:

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

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

Community Rangers - Monitoring Data	Total April 2024 to April 2025
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

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Statement of: _____

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 Dec 2023	Jan to Dec 2024	Jan to Dec 2025	Total
Stage 1 Advice	179	54	84	32	24	49	161	93	676
Stage 2 Warning	21	6	12	2	1	5	16	16	79
Community Protection Notice Warning	7	1	3	1	0	2	6	4	24
Community Protection Notice	1	0	0	0	0	0	0	3	4
Community Protection Breaches	0	0	0	0	0	0	0	0	0
Fixed Penalty Notice	1	0	0	0	0	0	0	0	1
Total	209	61	99	35	25	56	183	116	784

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

Lincolnshire Police figures for the years previous have seen a steady increase in the number of incidents involving drunken behaviour in our town centre and it can be seen there are many more in the town centre beat area than other areas of Boston.

ASB - DRUNKEN BEHAVIOUR						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023	14	5	22	22	69	132
2024	15	4	55	32	73	179

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Statement of: _____

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

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 falls directly in the town centre and to have another off-licence here would encourage drinking of alcohol in the nearby pedestrian areas and the nearby central park.

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Appendix E

Updated statistics from Lincolnshire Police to include data from 2025 - 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 2025), along with comparisons to the rural areas which are seen in statements from Mr Hunn and Insp Cotton.

ASB - DRUNKEN BEHAVIOUR						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023	14	5	22	22	69	132
2024	15	4	55	32	73	179
2025	14	11	51	21	60	157

ASB - STREET DRINKING						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	1	1	4	3	1	10
2022	1	0	3	1	8	13
2023	6	0	3	2	10	21
2024	2	1	1	2	8	14
2025	0	0	1	1	3	5

- impact of licensing on regulated entertainment and particularly live music and

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4 Licensing Objectives

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

The Licensing Authority considers the effective and responsible management of premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within the applicants operating schedule.

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

In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects applicants to demonstrate knowledge of the area within which the licensed premises is situated. This would include, for example, proximity to residential properties, areas where children congregate, **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

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.

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

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

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

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)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.***

5 The Licensing Process

- 5.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority in accordance with the provisions of the Act. Delegated powers are in accordance with the table at Appendix 1. This table does not form part of the policy and may therefore be amended without consultation with statutory consultees.
- 5.2 Each application for licensing will be considered on its own merit. Nothing will undermine any person from applying for a variety of permissions under the Act.
- 5.3 Other than electronic applications applicants are reminded that documents submitted as part of an application which bear a signature, criminal record certificates, criminal conviction certificates, subject access documents and licensing qualifications must be original documents. Faxes and photocopies are not acceptable unless with the prior agreement of the Licensing Authority.
- 5.4 Applicants for any authority or permission are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned. The Licensing Authority will endeavour to explain why the application is considered to be deficient and will invite the applicant to re-submit the application with all the required information. Application forms will not be returned where they contain obvious and minor factual errors that can easily be amended. It is the responsibility of the applicant to send a copy of their application and any other relevant documentation to each of the Responsible Authorities, unless the application has been properly made electronically, in which case it is the responsibility of the Licensing Authority to circulate it. Where applicants fail, after being reminded, to copy applications to Responsible Authorities, or they resubmit applications which are still deficient, the application will be rejected. Re-submission of an application following rejection will be subject to the statutory advertising requirements.
- 5.5 A main part in ensuring compliance with the Act, and in particular showing how the four licensing objectives are to be achieved, is the “operating schedule” for the licensed premises. The operating schedule forms part of the licence application. The schedule will aid any Responsible Authority or other party to assess whether the steps to be taken to

promote the licensing objectives are satisfactory. The schedule will form part of the conditions of the licence or certificate, if granted. The Licensing Authority will work with the licensees and applicants by providing guidance notes on the completion of the schedules. However, the responsibility for drawing up the operating schedule rests with the applicant. The operating schedule should detail the manner in which the business will be run, and the steps/controls put in place to meet the licensing objectives. Any individual preparing an operating schedule is free to volunteer any measure as a step he or she intends to take to promote the licensing objectives. The operating schedule must specify all types of entertainment which will take place at the premises

- 5.6 Applications for minor variations may be subject to consultation with the appropriate responsible authorities and will be refused if any responsible authority indicate that they would make a representation on the proposed minor variation.
- 5.7 In an effort to avoid unnecessary hearings, applicants are strongly advised to prepare risk assessments and from these formulate any steps they consider necessary to promote the licensing objectives and then to consult with the responsible authorities as defined within the Act before submitting their applications. Failure to do so may lead to representations which can only be determined by the Licensing Sub-Committee. In respect of minor variations applicants are strongly advised to contact the appropriate responsible authorities before formally submitting their application in order to avoid unnecessary expense.
- 5.8 Account will be taken of the need to encourage and promote all types of entertainment, including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance from these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 5.9 The guidance issued by the Home Office indicates that representations can be made in opposition to, or in support of, an application. With this in mind the Licensing Authority would remind all parties that all representations (both for and against an application) must relate to the promotion of the licensing objectives.
- 5.10 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

6 Premises Licences/Club Premises Certificates

- 6.1 Applicants will be required to submit their application in the form detailed in regulations made under the Act. Applicants will be required to submit, with their application for a premises licence, club premises certificate, Provisional Statement or a variation to their existing premises licence or club registration certificate, an Operating Schedule detailing:
- The licensable activities to be conducted on the premises;
 - The times during which it is proposed that the relevant licensable activities are to take place;
 - Any other times when the premises are to be open to the public or to members of a club;

- Where the licence is required only for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name, address and licence number of the individual to be specified as the designated premises supervisor;
- Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
- The steps the applicant proposes to take to promote the licensing objectives.

6.2 Applications will be determined having regard to:

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

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9 Licence Hours

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10 Personal Licences

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

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14 Cumulative Impact

14.1 Cumulative impact has been described within the S182 Guidance since the commencement of the 2003 Act. Cumulative Impact Assessments were introduced into the Act by the Policing and Crime Act 2017 with effect from April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. This should not, however, be confused with 'need'. Need concerns the commercial demand for another pub, restaurant or shop and is a matter for the market and not a matter for the licensing authority to consider in discharging its licensing functions or for its statement of licensing policy. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority to consider.

Where the number, type or density of licensed premises selling alcohol is high or exceptional and serious problems of nuisance and disorder may arise outside or some distance from those premises and where there is sufficient evidence, this authority will consider adopting a cumulative impact policy. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queueing for fast food outlets or for public transport.

A Cumulative Impact Assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing

objectives. CIAs relate to applications for new premises licences and club premises certificates in a specified area.

- 14.2 The absence of a cumulative impact policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.
- 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.
- 14.4 There must be an evidential basis to include a special policy within the statement of licensing policy. Information which may be considered to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes;
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - Statistics on local anti-social behaviour offences;
 - Health related statistics such as alcohol-related emergency attendances and hospital admissions;
 - Environmental health complaints, particularly in relation to litter and noise;
 - Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - Residents' questionnaires;
 - Evidence from Local and Parish Councillors;
 - Evidence obtained through local consultation.
- 14.5 After considering the available evidence and undertaking appropriate consultation this licensing authority may be satisfied that it is appropriate to adopt a special policy in relation to cumulative impact. At present there are no policies in relation to cumulative impact adopted.
- 14.6 Cumulative impact policies are not absolute and such a policy must allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. Further, such policies must not restrict such consideration by imposing quotas based on either the number of premises or the capacity of those premises as this will indirectly have the effect of predetermining the outcome of any application.
- 14.7 There are a number of other mechanisms for addressing issues of unruly behaviour, which occur away from licensed premises. These include:
- planning controls;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority

- including Best Bar None, Pubwatch or Business Improvement Districts;
- Community Protection Notices;
 - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night; street cleaning and litter patrols;
 - Powers of local authorities to adopt Public Space Protection Orders in designated areas;
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 - The prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
 - The confiscation of alcohol from adults and children in designated areas;
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including issuing of fixed penalty notices;
 - The power of the police, other responsible authorities or other persons to seek a review of the licence or certificate in question;
 - Early morning restriction orders; and
 - Raising a contribution to policing the late-night economy through the Late-Night Levy.

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22 Staff Training

22.1 The Licensing Authority recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise their awareness in this area of responsibility. Similarly, persons employed at on-licensed premises should be encouraged to attend training programmes

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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.

36 Enforcement

36.1 The Licensing Authority will take appropriate enforcement action where there are breaches of the Act. Enforcement action will be in accordance with the Boston Borough Council's [Corporate Enforcement Policy](#), which reflects the agreed principles which are consistent with the Better Regulation Executive. To this end, the key principles of targeting consistency, transparency and proportionality will be maintained.

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Appendix 2 – Public Space Protection Order

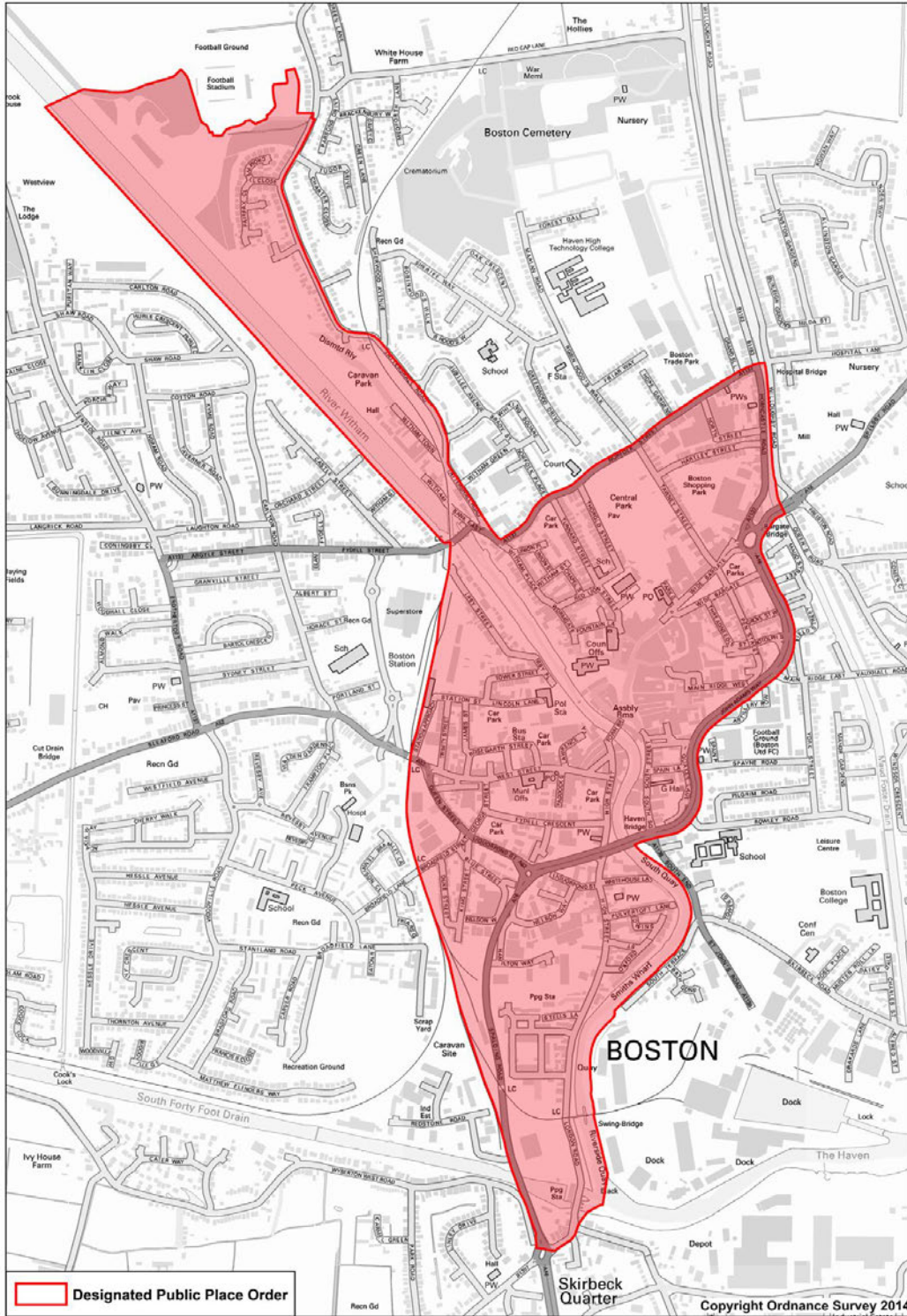
The Council has consulted upon and introduced a Public Space Protection Order (PSPO) which seeks to limit street drinking within the town centre. More information can be found here: [Boston Town Centre Public Spaces Protection Order for Alcohol](#)

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.”***



1. Introduction

The Licensing Act 2003

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

Licensing objectives and aims

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

Licence conditions – general principles

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

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

Each application on its own merits

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

Additional guidance

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

2. The licensing objectives

Crime and disorder

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

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

Public safety

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

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

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

2.11 Counter terrorism and public safety

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

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

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

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

Ensuring safe departure of those using the premises

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

entertainment.

Public nuisance

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

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

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

Protection of children from harm

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

or entertainment involving strong and offensive language.

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

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

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

Offences relating to the sale and supply of alcohol to children

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

8. Applications for premises licences

Relevant licensing authority

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

Authorised persons

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

Responsible authorities

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

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

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

[REDACTED]

[REDACTED]

[REDACTED]

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

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

Other persons

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

Who can apply for a premises licence?

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

Licensing conditions

a) Imposed conditions

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

b) Volunteered conditions

8.70 Applicants may volunteer conditions as part of the minor variation process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.

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

c) Amending or removing existing conditions

8.72 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.

8.73 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

[Redacted text block]

- [Redacted list item]
- [Redacted list item]
- [Redacted list item]

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Advertising applications

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

Applicants are required to:

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

were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as premises supervisor; or
- reject the application.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

8.95 The licensing authority must copy the provisional statement to each person who made relevant representations, and the chief officer of police for the area in which the premises is situated. The licensing authority should give full and comprehensive reasons for its decision. This is important in anticipation of an appeal by any aggrieved party.

8.96 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement;
- the work in the schedule of works has been satisfactorily completed;
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

8.97 Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.

8.98 A provisional statement may not be sought or given for a vessel, a vehicle or a moveable structure (see section 189 of the 2003 Act).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.

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

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

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

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

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

10. Conditions attached to premises licences and club premises certificates

General

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

Proposed conditions

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

Consistency with steps described in operating schedule

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

[REDACTED]

Hours of trading

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

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Fixed prices

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

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

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

Age verification

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Public Spaces Protection Order

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

[REDACTED]

¹⁵ For full guidance on the PSPO please see the statutory guidance on the 2014 Act: <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

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

[REDACTED]

Licensing hours

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Classification or the licensing authority itself (see paragraphs 10.59 to 10.60).

Integrating strategies

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Promotion of equality

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



Equality Act 2010

2010 CHAPTER 15

PART 11

ADVANCEMENT OF EQUALITY

CHAPTER 1

PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

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

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

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

150 Public authorities and public functions

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

151 Power to specify public authorities

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