

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

Date of hearing	18 January 2023
Members of Sub-Committee	Councillor K Chalmers Councillor F Pickett Councillor J Whelbourn
Premises Licence Holder	Mr Y Ecer
Premises Address	International Food & Drink, 12 Red Lion Street, Boston
Date Application Received	29 November 2022
Details of Application	Application for the review of a premises Licence under S51 of the Licensing Act 2003

The Parties:

The licensing Sub-Committee convened to consider a review of a premises licence following receipt of an application from Lincolnshire Police.

In attendance at the hearing was two representatives from Lincolnshire Police, Mr Ecer the premises licence holder and designated premises supervisor and his representative Nigel Carter from Carter Consulting. Mr Ecer also had the benefit of an interpreter. Also in attendance was Ms McDowell (Senior Licensing Officer).

The Sub-Committee heard from Ms McDowell, the Premises Licencer Holder

and Designated Premises Supervisor and his consultant, and Lincolnshire Police. In reaching their decision, the Sub-Committee had due regard for all that they have read and heard, and at the hearing evidence of the purchase of the lease, and a training manual were shown to the Sub-Committee with the agreement of all parties.

Policy and Guidance:

The Sub-Committee also had due regard for the Licensing objectives, The S182 Guidance and the Councils Licensing policy, along with S149 of the Equality Act 2010.

Decision and Reasons:

The Sub-Committee heard from Lincolnshire Police the issues encountered at the premises (and a linked premises) during 2022 when it was run by ■■■■■■■■■■ and Premises Licence Holder. It was acknowledged that since the review application was submitted that there had been a transfer of the premises licence to Mr Ecer, but they explained to the Sub-Committee that they were not convinced that there was no influence from the previous Premises Licence Holder/DPS over the current day to day running of the premises under Mr Ecer, as they had been supplied with very little evidence to date. It was put to the Sub-Committee that if ■■■■■■■■■■ was still involved in the premises, then his history of running licensed premises, and the issues encountered gave Lincolnshire Police great concern in an area of Boston where there are issues of street drinking and antisocial behaviour.

Lincolnshire Police also highlighted concerns they have with regard to Mr Ecer running licensed premises as they have encountered history of non-compliance of a premises licence condition and failure to act swiftly to remedy breaches on his part when he ran a previous premises in 2015, along with illicit alcohol at the premises.

Mr Carter addressed members on behalf of Mr Ecer to explain that other than the issues encountered in 2015, there had been no other incidents throughout Mr Ecer running a previous premises until 2017.

He further explained that he had been retained by Mr Ecer to assist with staff training which will be undertaken every 4 months and gave details of the steps Mr Ecer has undertaken to purchase the business and lease and the timescales to completion. Mr Ecer addressed the Sub-Committee and explained he wants to run a legitimate licensed premises and will have everything in order as soon as he can including employing staff and having them PAYE registered, along with updating Companies House etc. It was also explained to members that the recent incidents of single can sales was addressed swiftly, but that the member of staff had been recently trained and a record of this was shown.

Having taken into consideration all that they have read and heard, the Sub-Committee have decided that it is reasonable and proportionate to the promotion and safe guarding of the licensing objectives to suspend the premises licence for three months. During this time, the Sub-Committee strongly urge Mr Ecer to complete his legal purchase of the business and the lease for the premises in order that [REDACTED] should have no reason to be involved in the running of the premises. The Sub-Committee do consider that by virtue of the current position with regard to the transfer of the business from Mr Dinler to Mr Ecer, that there is scope for [REDACTED] to have some degree of influence over the running of the premises, and this is a concern to the Sub-Committee by virtue of the history of issues encountered at the premises under [REDACTED] outlined to the Sub-Committee by Lincolnshire Police.

In reaching this decision, the Sub-Committee did not consider there were any conditions on the Premises Licence that should be amended. They are very happy that if operated properly by a responsible Premises Licence Holder/DPS the conditions are very thorough. Nor did the Sub-Committee feel it was reasonable or proportionate response to exclude a licensable activity, remove the DPS or revoke the premises licence. The Sub-Committee felt that the issues with the premises previously had been due to [REDACTED] management, but having heard from Mr Ecer they feel reassured that he will

be able to run the premises responsibly and in accordance with the licence conditions and the licensing objectives.

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

This decision does not take effect until the end of the appeal period or if the decision is appealed, when the appeal is disposed of.

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
Licensing Officer
On behalf of the Licensing Sub-Committee
19 January 2023