

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

Date of hearing	22 April 2024
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Members of Sub-Committee	Councillor Paul Gleeson (Chair) Councillor Stuart Evans Council David Scoot
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Premises Licence Holder	Mr Y Ecer
Premises Address	Boston Food Store, 12 Red Lion Street, Boston
Date Application Received	13 March 2024
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 an application for a review of a premises licence held by Boston Food Store, 12 Red Lion Street, Boston.

At the hearing the Sub-Committee heard from the Senior Licensing Officer and Lincolnshire Police. The Premises Licence holder sent word that they had sold the premises and would not be attending the hearing.

**Policy and Guidance:**

In reaching their decision, the Sub-Committee had due regard for all that they read and heard, along with the licensing objectives, the Section 182

Guidance, the Council's Statement of Licensing Policy and their duty under Section 149 of the Equality Act 2010.

**Decision and Reasons:**

Having due regard for all that they have read and heard, the Sub-Committee have decided that it is reasonable and proportionate to the promotion of the licensing objectives to revoke the premises licence.

Of particular concern to the Sub-Committee was the fact that despite all the assurances given by the premises licence holder at the hearing in January 2023, that there is no evidence of their take-over of the premises from Mr Dinler being legitimate. Lincolnshire Police presented evidence of how number 10 Red Lion Street and the premises remain, on the balance of probabilities, linked, and how Mr Dinler still retains an element of control over the running of the premises.

Additionally, the Sub-Committee were gravely concerned about the multiple breaches of the premises licence conditions since the premises re-opened in May 2023 following the suspension imposed in January 2023. There has also been failed under-age test purchases of vapes and illegal cigarettes and vapes have been found at the premises.

The Sub-Committee have no confidence in the premises licence holder's ability to comply with the conditions of the licence, nor do they feel, on the balance of probabilities, he has any interest or intention to uphold the licensing objectives.

In considering their options the Sub-Committee felt that revocation of the premises licence is the only reasonable and proportionate option that will ensure the licensing objectives are safeguarded.

Accordingly the Sub-Committee have decided to revoke the premises licence.

**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  
22 April 2024