



## Boston Borough Council – Environmental Health

### Licensing Act 2003 – Temporary Event Objection Notice (Section 104 Licensing Act 2003)

#### Details of person or body making objection

Your Name:	Nick Davis, Principal Environmental Health Officer
Your Address:	Boston Borough Council Municipal Buildings West Street Boston Lincolnshire PE21 8QR

#### Details of premises objection is about

Name of Premises	Taste of Portugal
Address of Premises	2 James Street, Boston PE21 8RF
Application Rec.	29 <sup>th</sup> May 2024

Prevention of public nuisance	<input checked="" type="checkbox"/>
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#### Please summarise your concerns about this application:

This objection notice is submitted in relation to a Temporary Event Notice (TEN) for the Taste of Portugal on the 29<sup>th</sup> to 30<sup>th</sup> June 2024.

The applicant has applied for amongst other licensable activities live and recorded music between 5pm on the 29<sup>th</sup> June 2024 through to 2am on the 30<sup>th</sup> June 2024. The application states at page 2 that *'we would like to use all*

*the facilities and alley next to the business'*. This area next to the business is not defined by any plan but is clearly an area external to the main café/restaurant. As the café sits within an area close to many residential premises the use of any outdoor area for live and recorded music until 2.00am is very likely to significantly impact upon residential amenity and cause public nuisance. Similarly drinking externally to this hour in a residential environment is likely cause disturbance.

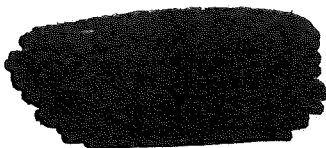
Whilst it is recognised that the licensing and planning regimes are separate regimes, they should recognise each other's role in protecting residential amenity. In this instance the planning consent for the premises subject to this application requires that it is not open to customers after 11pm. (Condition 2 of planning consent B/22/0320). This terminal hour was set to protect residential amenity.

The statutory guidance issued under section 182 of the Licensing Act 2003 makes the following points relating to planning:

*At 7.7 of the statutory guidance, it states, 'A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.'* and at 14.66 it states *'There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time.'*

Due to the likely risk of public nuisance I wish to object to this application.

Signed:



29-5-2024

Position: Principal Environmental Health Officer