



## Lincolnshire Police

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

Details of person or body making objection	
Your Name:	Chief Constable – Lincolnshire Police
Your Address:	Alcohol Licensing Lincolnshire Police Headquarters Deepdale Lane Nettleham PO Box 999

Details of premises objection is about	
Name of Premises:	A Taste or Portugal and the alleyway next to business
Address of Premises:	2 James Street Boston PE21 8RF

Prevention of Crime and Disorder	X
Public Safety	X
Prevention of Public Nuisance	X
Protecting Children from Harm	X

Please summarise your concerns about this application:
<p>This objection notice is in relation to a temporary event notice for the licensable activity of the sale of alcohol (on and off premises) from 1200hrs on 29<sup>th</sup> June to 0200hrs 30<sup>th</sup> June 2024, late night refreshment from 2300hrs on 29<sup>th</sup> June to 0200hrs 30<sup>th</sup> June 2024, and regulated entertainment, with recorded, live music and dancing from 1700hrs on 29<sup>th</sup> June to 0200hrs on 30<sup>th</sup> June 2024, at A Taste of Portugal, 2 James Street, Boston and the alleyway next to the premises. The event is to celebrate a business anniversary.</p> <p>2 James Street does benefit from a premises licence (although the company address on Companies House appears to have changed a few times, the company address on the premises licence has remained the same since it was granted, and now appears out of date on the copy Lincolnshire Police have). The land next door to 2 James Street does not appear to hold a premises licence. The notice giver is one of the directors of the company that holds the premises licence at 2 James Street, having been appointed in</p>

January 2024. They are also the designated premises supervisor and have been since the licence commenced. The other director has held the position since the licence commenced. Lincolnshire Police consulted on that premises licence and requested numerous conditions, including those aimed at reducing street drinking and not impacting the Public Space Protection Order (PSPO) which were agreed, due to on and off-sales being wanted.

2 James Street is situated within the PSPO for alcohol, a valuable tool for the Police and Council to address concerns of street drinking and alcohol-related nuisance within Boston's valued public spaces. West St, the Bus Station, St Georges Road, Bond Street and Rosegarth Street, all areas very close to James Street are known to have street drinking issues, with West Street being one of 4 hot spots where street-based violence, antisocial behaviour and high harm are concentrated the most within Boston.

There were no accompanying documents with the notice to show where the alleyway they the notice giver wants to be licenced is and the extent of the licenced area within it and therefore where the PSPO starts and finishes with what is licenced, as only a licenced area overrides the PSPO, making enforcement of this and other powers and enforcement under the Licensing Act problematic.



As the pictures above and below show, there is space either side of the premises, where the area for the TEN could be considered. However, both appear to lead to commercial premises and it is not known who owns these areas or if permission has been given. The applicant needs to be aware that a TEN is only for the grant of the licensable activities, not for the grant of the use of that area. If the area is a public highway, owned by Lincolnshire County Council then permission would need to be sought from them.



The premises licence held at 2 James Street allows for the sale of alcohol, both on and off sales, between 1000hrs and 2230hrs 7 days a week. The licence has conditions which aim to reduce the risk of street drinking, they include.

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

1. The sale of cans and bottles of beers, lagers and ciders for consumption off the premises shall only be in packs of 4 or multiples thereof, unless the volume of the contents of the can or bottle is more than 600 millilitres.
2. No super-strength beers, lagers or ciders of above 6%ABV (alcohol by volume) shall be sold at the premises for consumption off the premises.
3. Each individual alcohol product sold for consumption off the premises will bear a waterproof label which has been agreed with Lincolnshire Police and which contains the premises name and address.
4. No open drinking vessels (cans, bottles, glasses etc) to leave the premises.

The land/alleyways to either side of the premises do not appear to hold a premises licence and so no conditions can be attached to those areas.

There is no information contained within the notice on how, in particular, the outside licenced area is going to be managed, to make sure customers don't move into the unlicenced area and breach the PSPO. Usually there is information provided regarding how the area is going to be contained and managed, often seated, table service, monitored, signage, barriers etc.

There is a concern regarding the use of the outside area until 0200hrs, as this will likely cause public nuisance in terms of noise from people and music. There is also concern around how this area is going to be managed in terms of crime prevention as there is no mention of door staff. It is usual for outside areas that are granted pavement licences (whether alcohol is involved or not) to have a restriction that all outside activities are to cease at 2200hrs, and that furniture is to be removed, so as to lessen the possibility of it being used as a weapon in the later hours, and so not to encourage congregation by others and cause noise nuisance.

It is understood that planning permission does not allow the premises to be used past 2300hrs. Anything past this hour would be a breach of planning legislation, making 2 James Street an unsuitable location for an event to the hour requested.

Therefore, there are concerns that the on the balance of probabilities the licensing objectives will be undermined if both the inside and outside areas of 2 James Street are used for licensable activities until 0200hrs as request by this temporary event notice, and therefore request that it be refused.

Signed...Gina McConville Pc 642 .....

for and on behalf of the Chief Constable of Lincolnshire Police

Dated...3/6/24.....