

**Boston Borough Council  
Licensing Act 2003  
Temporary Event Notice  
Decision Notice**

Date of hearing	11 June 2024
Members of Sub-Committee	Councillor P Gleeson (Chair) Councillor S Welberry Councillor S Evans
Applicant(s) Name	Mr Antonio Lima
Premises Address	A Taste of Portugal, 2 James Street, Boston
Date TENS Received	29 May 2024
Details of Application	Temporary Event Notice –from 12.00 hours on 29 June 2024 until 02.00 hours on 30 June 2024.

The Sub-Committee have read all of the information before them. They have heard from Mr Lima the applicant, Environmental Health and Lincolnshire Police.

The Sub-Committee have heard the outside area to be used is next to the premises and the owner of that land has consented. The applicant advised that music would be inside, and security staff would be used outside. The Sub-Committee have noted that no details were provided of the outside area. They noted the area was in the PSPO area, and whilst a separate regime, noted that the planning condition prevented the premises operating after 11pm.

The Police advised that they had serious concerns regarding the control of persons outside and whilst the applicant had advised they would have security staff, this could not be conditioned on the Temporary Event Notice. Environmental Health had advised they could only judge the application as it stood which did not specify where the music was taking place, again this could not be conditioned on the Temporary Event Notice.

Having considered their Licensing Policy, equality duty and human rights act and everything put before them, the Sub-Committee have decided that the notice does not promote the licensing objectives and it is therefore appropriate and reasonable to refuse the Temporary Event Notice and the authority will serve a counter notice in that respect.

The Licensing Act 2003 Schedule 5 Part 3 paragraph 16 makes provision for you to appeal against this decision to the Magistrates Court.

The appeal must be commenced by notice of appeal to the Justice's Chief Executive for the Magistrates Court within the period of 21 days beginning with day on which the Premises User/Responsible Authority were notified by the Licensing Authority of the decision being appealed against (i.e., the date of this decision notice). No appeal may be brought later than 5 working days before the day on which the event period specified in the TEN begins.

Signed:

A handwritten signature in black ink, appearing to read 'Anna McDowell', written in a cursive style.

Anna McDowell  
Senior Licensing Officer  
On behalf of the Licensing Sub-Committee  
11 June 2024