

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

Date of hearing	18 July 2024
Members of the Sub-Committee	Cllr Evans (Chair) Cllr Drayton Cllr Gleeson
Premises Licence Applicant	Arbor Club Ltd
Premises Address	10 South Street, Boston
Date Application Received	16 May 2024
Details of Application	Application for the grant of a Premises Licence

The Parties:

The Licensing Sub-Committee convened to consider an application for a premises licence where relevant representations have been received.

At the hearing the Sub-Committee heard from Anna McDowell (Senior Licensing Officer) and Mr Crozier (on behalf of Arbor Club Ltd. Miss McDowell read out an additional information received from an interested party who could not attend the hearing due to ill health.

Policy and Guidance:

In reaching its decision the Sub-Committee has had due regard for all that they have read, heard, and seen, and has considered the statutory guidance issued under Section 182 of the Licensing Act 2003, along with the Council's Statement of Licensing Policy, and their public sector duty under the Equality Act 2010.

Decision and Reasons:

In reaching their decision, of particular note to the sub-committee were the following:

- The concerns of local residents in respect of potential for noise and open windows;
- The agreement of Lincolnshire Police and the applicant to a thorough set of conditions;
- The fact the premises has been licensed before with very similar hours;
- The fact there are other licensed premises in the vicinity who operate similar hours;

and

- The fact that Environmental Health have not submitted a representation to the application, nor have there been any historic complaints made to Environmental Health when the premises was previously licensed.

The sub-committee have decided that it is reasonable and proportionate to the promotion and safeguarding of the licensing objectives to grant the application subject to the hours as applied for and subject to the list of conditions as agreed between the applicant and Lincolnshire Police. Whilst the sub-committee note the concerns of local residents, they consider that the list of conditions agreed with Lincolnshire Police offers a full raft of mitigation to address those concerns and provide appropriate mitigation. They did not consider there were any additional conditions to add, nor evidence put before them on which they could reasonably amend the application. They were also content having met the proposed Designated Premises Supervisor that he will promote and uphold the licensing objectives and so did not feel there was any evidence or justification to exclude a licensable activity from the 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

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
Date: 18 July 2024