

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

Date of hearing	05 August 2024
Members of Sub-Committee	Cllr Evans Cllr Mountain (Chair) Cllr Gleeson
Premises Licence Applicant	Sulyman Ustuner
Premises Address	12 Red Lion Street, Boston
Date Application Received	22 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), Mr Ustuner (the applicant), his son, and Lincolnshire Police.

**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:**

The Sub-Committee have read and heard all of the evidence before them. They have heard from Lincolnshire Police and Mr Ustuner and his son and have given such information due regard.

The Sub-Committee have concerns regarding the timeline of events as set out by the Police. This includes links to 10 Red Lion Street, Mr Ecer, and the sale or display of alcohol without a licence in place. Mr Ustuner was unable to explain dates he took over the premises or provide explanations why funds were transferred to a 3<sup>rd</sup> party

or monies spent on stock prior to a lease being entered into. The Sub-Committee have no confidence in the applicant's understanding of the licensing regime or of his roles and responsibilities as a licence holder displayed by the timeline of events and in his responses to questioning.

The Sub-Committee are of the view having had regard to the information put before them that it is not appropriate for the promotion of the licensing objectives to grant the licence. The Sub-Committee do not consider there are any other steps that could be taken that would address their concerns and the licence is therefore refused.

**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:



Senior Licensing Officer  
on behalf of Licensing Sub-Committee

Date: 05 August 2024