



Report To: Licensing Sub – Committee

Date: Tuesday 14 July 2025 at 10.00am

Subject: Star Market, 5-9 New Street, Boston

Purpose: To determine two Temporary Event Notices following the submission of objections by the Chief Officer of Lincolnshire Police

Key Decision: No

Portfolio Holder: Councillor Dale Broughton, Deputy Leader

Report Of: Christian Allen, Assistant Director – Regulatory

Report Author: Anna M^cDowell, Senior Licensing Officer

Ward(s) Affected: Central

Exempt Report: No

Summary

To consider two Temporary Event Notices following objections to the notices from the Chief Officer of Lincolnshire Police.

Recommendations

It is recommended that the Sub - Committee determine the Temporary Event Notices, in accordance with the Licensing Act 2003 and, having regard to the objection notices and any evidence submitted by the applicant, take such steps as considered appropriate for the promotion of the licensing objectives. The steps available to the Sub-Committee are summarised in the body of the report.

Reasons for Recommendations

The Licensing Act 2003 requires that the Licensing Sub - Committee make a determination in accordance with Section 105 of the Licensing Act 2003 where an objection notice is submitted under S104 of that Act.

Other Options Considered

None

1. Background

- 1.1 Temporary event notices are a light touch regime to allow for the provision of occasional events where licensable activities are to be provided. A Temporary Event Notice (referred to from hereon in as “Notice”) indicates that a premises will be used for licensable activities during the period identified in the Notice.

A Notice can be used to authorise licensable activities:

- at a premises that does not benefit from a Premises Licence
- beyond the usual hours permitted by a Premises Licence
- in addition to the activities permitted by a Premises Licence
- where a person who is not the Premises Licence holder wishes to provide those activities at a licensed premises.

- 1.2 Under the provisions of the Act only the Police or Environmental Health may object to a Notice and any such objections must be submitted by the end of the third working day following the date on which they receive the Notice.

- 1.3 An objection may only be submitted if the Police or Environmental Health are satisfied that to allow the premises to be used in accordance with the Notice would undermine one or more of the licensing objectives. The Licensing Objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 1.4 In accordance with the Licensing Act 2003 Section 105 (2) (a) the licensing authority must hold a hearing to consider the objection notice, unless all parties agree a hearing is not necessary.

2. Report

2.1 The Premises and the Notices

- 2.1.1 Star Market is a convenience store in Boston Town Centre and is located at 5-9 New Street, Boston. The location is in a predominantly commercial area of the town. A location plan is attached at **appendix 1**.
- 2.1.2 The premises sits within an area designated under a Public Space Protection Order. The Order is in place to restrict consumption of alcohol within that area. A copy of the Public Space Protection Order is attached at **appendix 2**.
- 2.1.3 The premises does not currently benefit from a premises licence. However, at the time of writing this report it was understood that the applicant intends to apply for a licence imminently.

- 2.1.4 On 01 July 2025, two Notices were submitted by Se & Se Consultancy Ltd on behalf of Demirci Ridvan. The Notices were to allow the premises to be used for the sale by retail of alcohol for consumption off the premises.

The Notices are to be in effect from 08.00 hours until 23.00 hours daily between Friday 18 July and Thursday 24th July 2025 and 08.00 hours and 23.00 hours daily between Monday 28th July and Sunday 03rd August 2025. A copy of the Notices is attached at **appendix 3**.

- 2.1.5 On 04 July 2025 objections to both Notices were submitted by the Chief Officer of Lincolnshire Police on the grounds that they were satisfied that allowing the premises to be used in accordance with the Notices would undermine all four licensing objectives. The basis behind the objection being that with no provision to impose suitable conditions relating to alcohol sales within the PSPO area, the applicant cannot demonstrate that the objectives will be promoted. A copy of the objection notices is attached at **appendix 4**.

2.2 Options

- 2.2.1 The Licensing Sub-Committee cannot modify the Notices in any way, for example reduce the hours of the Notice; only the Police, Environmental Health and the premises user can agree to modify a Notice. As no such agreement has been made, it must be determined in its original format.
- 2.2.2 The Licensing Sub-Committee can only impose conditions on a Notice where those conditions are already in effect by way of a Premises Licence. As no such licence is in force for Star Market, the Sub-Committee cannot determine to allow the Notice subject to imposed or agreed conditions.
- 2.2.2 The options available to the Sub-Committee are prescribed by virtue of Section 105 of the Licensing Act 2003:
- If the Licensing Sub-Committee are satisfied that the licensing objectives will be promoted as the Notices stand, they must take no action and permit the activities in the manner described in the Notices.
 - If the Licensing Sub-Committee are satisfied that the licensing objectives will be undermined as the Notices stand, they can issue a counter notice preventing the events from going ahead. If this is the determination made by the Sub-Committee a decision notice giving full reasons for the determination must also be issued.

2.3 Considerations

- 2.3.1 The Sub - Committee must consider the Notices given by Mr Ridvan and the objection notices given by Lincolnshire Police. Having regard to the licensable activities to be authorised by the Notices, and the objection notices received, the Sub-Committee must make a decision which is appropriate for the promotion of the licensing objectives.

2.3.2 In making a determination the licensing authority must give appropriate weight to:

- The Section 182 Guidance made under the Act of which a copy of the relevant sections is attached at **appendix 5**.
- The Licensing Authority's Licensing Policy Statement a copy of the relevant sections is attached at **appendix 6**.

2.3.3 The Local Authority must fulfil its obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their function as a Licensing Authority.

Section 17 places a duty on the Local Authority to do all it reasonably can to prevent crime and disorder in their area. The possible crime and disorder implications are relevant factors in the consideration of temporary event notices where a Police objection has been made. In giving "due regard" to these possible implications the Licensing Sub-Committee must consider and weigh up all the information made available at the hearing and the submissions made by the Police and the premises user.

2.4 Human Rights & Equalities

2.4.1 In considering the Notices and objections the Licensing Sub-Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Human Rights Act it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights.

2.4.2 The Licensing Sub-Committee, in its decision making, must have due regard to its public sector equality duty under section 149 of the Equality Act 2010. A copy of section 149 of the Act is attached at **appendix 7**.

2.5 Appeal

The premises user and the Police may appeal the decision made by the Licensing Sub-Committee, regarding the Notices, to the Magistrates Court. However, the decision takes immediate effect.

Any appeal must be made within 21 days of the day on which all parties were notified, in writing by the Licensing Authority, of the decision to be appealed against. No appeal may be brought later than 5 working days before the day on which the event period specified in the Temporary Event Notices begins.

3. Conclusion

3.1 The Sub-Committee must come to its determination based on an assessment of the evidence of both the risks and benefits either for or against allowing the Notices.

3.2 When considering the evidence, the Sub-Committee must satisfy themselves whether or not the licensing objectives would be promoted as the Notices stand. The Sub-Committee must have regard to evidence, not speculation.

- 3.3 The Sub-Committee should seek to focus the hearing on the relevant parts of objections only and avoid straying into undisputed areas. Any matter which is not about the likely effect of the Notices on the promotion of the licensing objectives is not relevant and therefore cannot be considered.
- 3.4 The Sub-Committee must give full reasons for its decision.
- 3.5 In making its' determination, the Sub-Committee must evidence that they have had due regard for all that they have read and heard, to the Licensing Authority's Statement of Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003, and their public sector duty under Section 149 of the Equality Act 2010.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

The legal implications are detailed in within the report.

Data Protection

Certain appendices to the report have been redacted to remove personal data.

Financial

None

Risk Management

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

Stakeholder / Consultation / Timescales

None

Reputation

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

Contracts

None

Crime and Disorder

The Council has a duty to promote the Licensing Objectives.

Equality and Diversity/ Human Rights/ Safeguarding

Equality Implications: The licensing authority must have due regard to its public sector equality duty under section 149 of the Equality Act 2010.

Human Rights: Under the Human Rights Act it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Safeguarding Implications: The Council has a duty to protect the public and promote the four licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm within the Borough that is consistent with prevailing national guidance and standards.

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

None

Acronyms

None

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1	Location Plan
Appendix 2	Public Space Protection Order
Appendix 3 A and B	Temporary Event Notices x 2
Appendix 4 A and B	Lincolnshire Police Objection Notices x 2
Appendix 5	Section 182 Guidance extracts
Appendix 6	Statement of Licensing Policy Extracts
Appendix 7	Section 149 of the Equality Act 2010

Background Papers

None

Report Approval

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