

Licensing Act 2003

Representation by a Responsible Authority

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Panel hearings.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	Lincolnshire Police
Contact Officer:	PS 288 Amy Adams
Address:	Lincolnshire Police Licensing, Police Headquarters Deepdale Lane Nettleham PO Box 999
Telephone Number:	101 Lincolnshire Alcohol Licensing
E-mail:	countylicensing@lincs.police.uk

Please provide details of the application to which your representation refers:

Name:	JD Wetherspoons
Address:	Moon Under Water 6 High Street Boston PE21 8SH

Application Details:	Premises Licence Variation
Date Application Received:	04/07/2025

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- **The Prevention of Crime and Disorder** **X**
- **Public Safety** **X**
- **Prevention of Public Nuisance** **X**
- **The Protection of Children from Harm** **X**

In relation to this application, the following Guidance issued under Section 182 of the Licensing Act 2003 has been considered –

From Section 9.12....Each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

This application is for a variation to the existing premises licence for Moon Under Water public house in Boston.

The applicant, JD Wetherspoons, seek to amend the following conditions in Annex 2 of the premises licence:

1. To amend the current condition under Prevention of Public Nuisance- "Any outside area which is used for the consumption of alcohol shall cease to be so used at 23.30 hours". To read as follows: "Any outside area which is used for the consumption of alcohol shall cease to be so used at closing time of the premises".
2. Amend the condition under the Protection of Children from Harm – "Children will be required to vacate the bar by 21.00 hours unless they are eating in which case they will be required to vacate the bar by 21.30 hours" to read as follows: "Children will be required to vacate the premises by 21:30 hours unless they are eating in which case they will be required to vacate the premises by 22:00 hours."

The applicant has offered the following additional conditions within the application:-

1. The premises licence holder will ensure that all staff at the premises have been trained in accordance with established JD Wetherspoon plc training procedures. Specifically the premises licence holder will ensure that all employees who work front of house are trained in their responsibilities to prevent alcohol being served to anybody

who is under the legal age limit or to anyone who appears to be drunk or to anyone who is trying to purchase alcohol on their behalf.

2. The premises licence holder will ensure that there are sufficient staffing levels including managers to encourage responsible behaviour on the premises at all times.

3. CCTV shall be installed in the premises. Images will be retained for a minimum of 30 days and will be available to the police upon request. Members of the management team will be trained in the use of the system.

4. Non-alcoholic beverages including soft drinks, water, coffee and tea shall be available at all times when the sale by retail of alcohol is carried out at the premises.

5. The premises licence holder will operate a "Challenge 21" Policy at all times.

6. Suitable food and non-alcoholic beverages shall be available at all times children are allowed on the premises.

The conditions offered are well intentioned and covers many of the points Lincolnshire Police would seek, however some lack detail and clarity. Lincolnshire Police requested an improved condition in relation to CCTV and Challenge 21. We would also like to see additional conditions in order to mitigate the increased risks in amending these conditions and reflect the current issues within Boston town centre. These include signage requesting customers to leave quietly, the provision of an incident/refusal book, a door staff risk assessments and recording and also a requirement for people not to take open drinks out into the Public Space Protection Order area (PSPO).

Lincolnshire Police have consulted with the applicant and requested the revised wording and additional conditions. Some compromise has been made however we have been unable to come to an agreement on the final list of conditions. It may be that the applicant does now agree to further conditions but unfortunately the applicant has not responded to recent emails from the Police to confirm one way or the other. It is felt that the conditions sought are specific and measurable and will assist the applicant in robustly promoting the licencing objectives. The conditions are relevant and reflect those seen on other similar premises licences in the locality.

This representation is to request that the licensing committee consider the addition of the full conditions as detailed on page 4.

If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives**:

Below is a full list of conditions we would like to be included in order to assist the applicant to uphold the licensing objectives and mitigate any increased risk. They are a combination of those already offered by the applicant in their application and those requested by Lincolnshire Police, considering the comments and negotiations which have already taken place.

Steps Taken to Promote the Licensing Objectives

General

1. The premises licence holder will ensure that all staff at the premises have been trained in accordance with established JD Wetherspoon plc training procedures. Specifically, the premises licence holder will ensure that all employees who work front of house are trained in their responsibilities to prevent alcohol being served to anybody who is under the legal age limit or to anyone who appears to be drunk or to anyone who is trying to purchase alcohol on their behalf.

Prevention of Crime and Disorder

1. The premises licence holder will ensure that there are sufficient staffing levels including managers to encourage responsible behaviour on the premises at all times.

2. A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police which shall cover all areas which customers have access to.

- Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).

- Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.

- Recordings of incidents at the premises must be provided to the police following lawful request.

- A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.

- Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.

- All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis.

- In the event of a system malfunction, the Designated Premises Supervisor or the Premises Licence Holder must record details of this malfunction in the premises refusals/incident book. Arrangements for its repair must be made without delay.

3. Non-alcoholic beverages including soft drinks, water, coffee and tea shall be available at all times, sale by retail of alcohol carried out at the premises.

4. SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. This risk assessment will be kept on the premises at all times and presented to any requesting licensing authority upon their request.

5. A door staff record book or electronic record shall be kept containing the names, addresses, dates of birth, SIA registration number and hours worked of door supervisors employed on any day. This shall be retained at the premises for at least 12 months and shall be made available for inspection and copying by the Police or other responsible authority upon request.

6. On any evening that door staff are on duty they will remain on duty until 30 minutes after alcohol sales cease.

Public Safety

1. An incident/refusals book/electronic record shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. This log shall contain the following details;

Time, date and location of incident/refusals.

Nature of the Incident/refusal.

Names, addresses and contact details of persons involved (if provided).

Each entry signed/reviewed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and retained for a period of no less than 12 months and made available to Lincolnshire Police or other responsible authority for inspection upon request.

2. No alcoholic or other drink may be removed from the premises in an open container except for consumption in an outside area of the premises provided for that purpose.

The Prevention of public nuisance

1. Any outside area which is used for the consumption of alcohol shall cease to be so used at closing time of the premises

2. Customer notices to be displayed at all exits asking patrons to leave the premises quietly and respect the needs of local residents.

3. Customer notices to be displayed in the external drinking area asking patrons to keep noise levels to a minimum and respect the needs of local residents.

The Protection of children from harm

1. Children will be required to vacate the premises by 21:30 hours unless they are eating in which case they will be required to vacate the premises by 22:00 hours.

2. -The premises shall operate the "Challenge 21" Proof of Age Policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy shall require any person who appears to be under the age of 21 years to produce one of the following forms of identification:

A recognised proof of age card credited under the British Retail Consortiums Proof of Age Standards Scheme (PASS);

Photo driving licence;

Passport.

3. Notices shall be prominently displayed advising customers of the "Challenge 21" policy.

4. All point of sale staff shall undergo training in the challenge 21 proof of age scheme and all other relevant policies with a record kept of the date of training, signed by the member of staff and the trainer. Each entry shall be retained for a period of 12 months from date of completion. This record shall be made available for inspection by Lincolnshire Police Officers or other relevant authority.

5. Suitable food and non-alcoholic beverages shall be available at all times children are allowed on the premises.

Have you contacted the applicant to discuss this representation?

Yes X

No

Do you consider mediation could resolve the issue?

Yes X No

Do you propose to attend or be represented at any Licensing Panel hearing?

Yes X No

Please tick this box if you consent to any notice of any hearing being sent to you to via the e-mail address provided by you above. X

(Please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).