

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

Date of hearing	11 April 2023 – 10:00 hours
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Members of Sub-Committee	Councillor T Ashton (Chair) Councillor K Chalmers Councillor F Pickett
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Applicant	Mr Neil Wright
Premises Address	The Pool Shed, Marsh Farm Cottage, Frampton Roads, Frampton, Boston
Date Application Received	01 February 2023
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 and Mrs Wright (applicant and his wife), Mr Shackleton (applicant's legal representative) and three members of the public who had submitted relevant representations; [REDACTED]

[REDACTED].

Policy and Guidance:

In reaching their decision the Sub-Committee had due regard for all that they had read and heard along with the licensing objectives, the Council's Statement of Licensing Policy, the Section 182 Guidance and their duty under

Section 149 of the Equality Act 2010.

Decision and Reasons:

At the hearing the applicant amended their application to as follows:

Opening:

Wednesday and Thursday – 11.00 – 00.30 hours

Friday and Saturday – 11.00 – 02.30 hours

Sunday – 11.00 – 22.30 hours

Bank Holiday Mondays – 11.00 – 22.30 hours

07 May 2023 – 11.00 – 02.30 hours

Recorded music – indoors

Wednesday and Thursday – 11.00 – 00.00 hours

Friday and Saturday – 11.00 – 02.00 hours

Sunday – 11.00 – 22.00 hours

Bank Holiday Mondays – 11.00 – 22.00 hours

07 May 2023 – 11.00 – 02.00 hours

Recorded music – outdoors

Wednesday - Sunday – 11.00 – 22.00 hours

Late night refreshment

Wednesday and Thursday – 23.00 – 00.00 hours

Friday and Saturday – 23.00 – 02.00 hours

07 May 2023 – 23.00 – 02.00 hours

Sale by retail of alcohol for consumption on and off the premises

Wednesday and Thursday – 11.00 – 00.00 hours

Friday and Saturday – 11.00 – 02.00 hours

Sunday – 11.00 – 22.00 hours

Bank Holiday Mondays – 11.00 – 22.00 hours

07 May 2023 – 11.00 – 02.00 hours

At the hearing, the Sub-Committee heard from Mr Shackleston about the history of the premises and that there had never been any issues raised to the Council or Responsible Authorities. Details were also offered as to how the premises will be run, the policies that will be in place regarding safeguarding, drugs and first aid, and as to car parking. The Sub-Committee heard how the Responsible Authorities had visited the premises and discussed the application with Mr Wright. The Sub-Committee noted that there were no representations from the Responsible Authorities.

The Sub-Committee heard from [REDACTED] that their concerns primarily relate to noise at the outside area of the premises, [REDACTED]. Concerns were also raised regarding the traffic that would be generated if the premises were to operate 2 or 3 times a week. All three objectors did concede that recently there had been no real issues regarding noise, [REDACTED] felt able to talk to the applicant when they had concerns.

In reaching their decision, the Sub-Committee had due regard for all that they have read and heard. The Sub-Committee were grateful to the objectors for participating in the licensing process, and heard their concerns and had sympathies with some of their comments. The Sub-Committee noted that the applicant had attempted to address some of their concerns and had amended their application to 5 days a week and shorter times.

In weighing all of the above, the Sub-Committee were overall content that the applicant would uphold and promote the licensing objectives, and would run the premises as a responsible premises licence holder and Designated Premises Supervisor.

Accordingly the Sub-Committee have decided it is reasonable and proportionate to the promotion of the licensing objectives to approve the amended application.

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

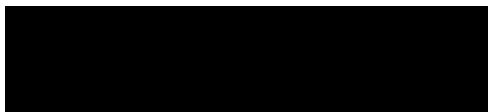
This decision does not take effect until the end of the appeal period or if the decision is appealed, when the appeal is disposed of.

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:

A black rectangular box redacting the signature of Anna McDowell.

Anna McDowell
Licensing Officer
On behalf of the Licensing Sub-Committee
Date: 11 April 2023