



<b>Report To:</b>	Licensing Committee – Sub-Committee
<b>Date:</b>	9 <sup>th</sup> March 2026 – 10.00am
<b>Subject:</b>	Mr Tee’s Local, 12 Red Lion Street, Boston
<b>Purpose:</b>	To consider an application for a premises licence where relevant representation has been received
<b>Key Decision:</b>	No
<b>Portfolio Holder:</b>	Councillor C Mountain
<b>Report Of:</b>	Assistant Director - Regulatory
<b>Report Author:</b>	Anna McDowell - Senior Licensing Officer
<b>Ward(s) Affected:</b>	Not applicable
<b>Exempt Report:</b>	No

### Summary

This is a hearing to consider an application for the grant of a Premises Licence, the applicant being Perkins Newsagents Limited, following the receipt of a relevant representation.

The Licensing Act 2003 requires that the Licensing Sub-Committee determine an application where relevant representations have been received.

### Recommendations

It is recommended that the Sub-Committee take into account all evidence and information received from the interested parties and the applicant and determine this matter.

### Reasons for Recommendations

Section 18 (3) of the Licensing Act 2003 requires that where relevant representations are made, the authority must –

- a. hold a hearing to consider them, unless the authority, the applicant and each person who has made a representation agree that a hearing is unnecessary, and
- b. having regard to representations, take such of the steps mentioned in subsection 4 (if any) as it considers necessary for the promotion of the licensing objectives.”

Those steps are set out in the Licensing Act 2003 Section 18 (4) and are detailed in the main body of the report.

### **Other Options Considered**

None

## **1. Background**

- 1.1 On 18 November 2025 an application for the grant of a premises licence, under section 17 of the Licensing Act 2003, was received from Perkins Newsagents Ltd for premises situate at 12 Red Lion Street, Boston.
- 1.2 The Local Authority requires that the applicant serves a copy of the application on the Responsible Authorities, advertises the application in a local news publication and places notice of the application details outside the premises. The Licensing Authority must also publish a notice on its website. It is confirmed that these requirements were complied with. However, the notice was not placed in a local newspaper within the prescribed timeframe, and it was necessary to recalculate the consultation period once the application had been successfully advertised.
- 1.3 A Responsible Authority or other person may submit a representation during the statutory 28-day consultation period.
- 1.4 The Licensing Act 2003 states that relevant representations mean representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Only parts of a representation that are relevant to the application and its impact on those objectives may be considered.
- 1.5 Where relevant representations are received the Licensing Authority encourages all parties to mediate and will assist in the facilitation of mediation discussions. Where agreement cannot be reached, the Licensing Act 2003 requires that a hearing is held to determine the application.

## **2. Report**

### **2.1 The application**

- 2.1.1 An application for a Premises Licence was received for 12 Red Lion Street, Boston. The premises is located in Boston town centre in a mixed-use area consisting of commercial, and domestic properties. A location plan is attached at **appendix 1**.
- 2.1.2 The activities and hours applied for are detailed below and a copy of the application is attached at **appendix 2**.

The applicant seeks a licence to permit licensable activities as follows:

#### Sale by retail of alcohol for consumption off the premises

Monday – Saturday:	08.00 hours until 22.00 hours
Sunday:	10.00 hours until 22.00 hours
24 <sup>th</sup> & 31 <sup>st</sup> December:	08.00 hours until 23.00 hours

The proposed opening hours of the premises are:

Monday – Saturday:	05.00 hours until 23.00 hours
Sunday:	08.00 hours until 22.00 hours
24 <sup>th</sup> & 31 <sup>st</sup> December:	08.00 hours until 23.00 hours
25 <sup>th</sup> , 26 <sup>th</sup> Dec & 1 <sup>st</sup> Jan:	08.00 hours until 22.00 hours

2.1.3 In submitting the application the applicant is required to describe any steps intended to be taken to promote the four licensing objectives, namely:

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

2.1.4 The steps the applicant intends to take to promote the licensing objectives, should the licence be granted, are in accordance with the operating schedule at section M of the application. Steps identified in the operating schedule are appended to a granted licence as conditions with which a licence holder must comply.

## 2.2 Relevant representations

2.2.1 On 16 December 2025 a relevant representation was received from Lincolnshire Police in their capacity as a responsible authority. The representation raises concerns regarding the operation of the premises in the centre of a Public Space Protection Order (PSPO) area, where alcohol related crime and antisocial behaviour is an issue. The PSPO was introduced in 2015 and restricts the consumption of alcohol within the defined area. A copy of the representation is attached at **appendix 3**.

2.2.2 A party who has submitted a representation may choose to rely on their written submission or may attend the hearing to put their representation to the Sub-Committee. At the hearing the party may not add further representation to that disclosed to the applicant but may expand on the existing representation.

2.2.3 Following receipt of the representation, the applicant has submitted a request to amend the operating schedule of the application. A full copy of the document setting out the proposed amendments is attached at **appendix 4**. However, in summary the proposed amendments include:

a reduction in the hours for the sale of alcohol to

Monday – Saturday:	12.00 hours until 22.00 hours
Sunday:	12.00 hours until 17.00 hours;

A reduction in the opening hours of the premises to

Monday – Saturday:	06.00 hours until 22.00 hours
Sunday:	08.00 hours until 22.00 hours

and the inclusion of a number of conditions relating to:

- storage and display of alcohol
- restrictions on single can sales

- restrictions on high strength lagers, beers and ciders
- implementation of a challenge 25 policy
- implementation of incident and refusals logs
- staff training
- sales to known street drinkers
- CCTV
- Restrictions on window coverage
- Measure to prevent sale of illicit goods and storage of sales invoices
- General management

2.2.4 Having considered this additional information, Lincolnshire Police are of the opinion that their representation stands and that the matter should still be considered by the Sub-Committee.

## 2.3 Considerations

2.3.1 In November 2025 the Council adopted and published a revised Statement of Licensing Policy. Section 35 of the policy addresses the issues that may arise with premises located within an area covered by a Public Space Protection Order. The policy sets out measures that the Licensing Authority would expect applicants to implement to mitigate any detrimental impact on the licensing objectives. The Sub-Committee should consider those measures, and whether imposing them as conditions on the licence would be appropriate for the promotion of the licensing objectives. It should however be noted that at the time the applicant submitted the application, the previous Statement of Licensing Policy was in place. This version did not specifically address the PSPO and the alcohol related issues in the relevant area.

2.3.2 It should be noted by the Sub-Committee that the guidance issued under Section 182 of the Licensing Act gives clear direction that the Councils' Statement of Licensing Policy should make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the licence holder. This is reflected at para. 2.11 of the policy which states:

*“The licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Whilst there are a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the licensing objectives in the vicinity. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the addition of conditions to meet the concern(s) contained in a relevant representation.”*

2.3.3 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what would be suitable to achieve that end. This does not require a licensing authority to decide that no lesser step will achieve the aim, but the authority should aim to consider the potential burden that the condition would impose on the Premises Licence holder as well as the potential benefit in terms of the promotion of the licensing objectives.

2.3.4 It is imperative that the Sub-Committee ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside of those parameters and determination must be based

on an assessment of the evidence of both the risks and benefits either for or against making the determination.

2.3.5 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. If consideration is given to attaching or amending conditions, they:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the licence holder by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the 2003 Act or any other legislation;
- Should be proportionate, justifiable and capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

2.3.6 In determining the application, the licensing authority must give appropriate weight to:

- The Licensing Authority’s Statement of Licensing Policy. Relevant extracts of which are attached at **appendix 5**.
- The statutory guidance issued under section 182 of the Licensing Act 2003. Relevant extracts of which, are attached at **appendix 6**.

## 2.4 Options

2.4.1 In making their determination and having had regard to all information presented, the Sub-Committee must take such steps as considered appropriate for the promotion of the licensing objectives. These steps are set out in the Licensing Act 2003 Section 18 (4) as follows:

- To grant the licence, subject to mandatory conditions and conditions in the operating schedule;
- To grant the licence with modified conditions;
- Exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

## 2.5 Human Rights & Equalities

2.5.1 In determining the review the 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.

- 2.5.2 When determining the application, the Sub-Committee should be satisfied that any decision which interferes with the rights of the licence holder, or of any other person, only does so insofar as is necessary to protect the rights of others and that no alternative decision would be more appropriate.
- 2.5.3 The 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**.

## **2.6 Appeal**

- 2.6.1 The applicant may appeal the decision made by the Sub-Committee to the Magistrates Court. Any appeal must be made within 21 days of the day on which the appellant is notified, in writing, by the Licensing Authority of the decision to be appealed against.
- 2.6.2 The determination does not take effect until the end of the period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

## **3. Conclusion**

- 3.1 The Committee must come to its determination based on an assessment of the evidence of both the risks and benefits either for or against granting a licence.
- 3.2 When considering the evidence, the Sub-Committee must satisfy themselves whether or not the licensing objectives would be promoted as the application stands. The Sub-Committee must have regard to evidence, not speculation. In the case of a new application/new premises, the history and makeup of the site (and surrounding area) and the history of the applicant will be relevant, if sufficiently evidenced.
- 3.3 The Sub-Committee should seek to focus the hearing on the relevant parts of representations only and the steps considered appropriate to promote the particular licensing objective(s) that have given rise to the representations and avoid straying into undisputed areas. Any matter which is not about the likely effect of the grant of the licence on the promotion of one or more of the four licensing objectives is not, in accordance with the Licensing Act 2003, 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**

Safe and Resilient Communities – We are working with partners and local communities to ensure the sub region is a place where people feel safe, secure and welcome.

## **Staffing**

None

## **Workforce Capacity Implications**

None

## **Constitutional and Legal Implications**

There is a risk that an appeal is lodged with Lincolnshire Magistrate's Court against the decision of the Licensing Sub – Committee.

## **Data Protection**

Certain personal details relating to the applicant have been redacted from the public agenda pack for data protection purposes.

## **Financial**

None

## **Risk Management**

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

## **Stakeholder / Consultation / Timescales**

None

## **Reputation**

There is a risk that the Council's reputation could be damaged if the requirements of licensing legislation are not implemented in the prescribed manner.

## **Contracts**

None

## **Crime and Disorder**

The Council has a duty to promote and ensure compliance with the licensing objectives of, the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.

## **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 1998, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

**Safeguarding Implications:** None

## **Health and Wellbeing**

None

## **Climate Change and Environmental Implications**

None

## **Acronyms**

PSPO – Public Space Protection Order

## **Appendices**

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

Appendix 1	Location plan
Appendix 2	Premises licence application
Appendix 3	Representation - Lincolnshire Police
Appendix 4	Amended operating schedule
Appendix 5	Extract - Statement of licensing policy
Appendix 6	Extract – Section 182 Guidance
Appendix 7	Section 149 – Equality Act 2010

## **Background Papers**

A report on this item has not been previously considered by a Council body.

## **Chronological History of this Report**

None

## **Report Approval**

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