

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:	Pc 642 McConville
Address:	Lincolnshire Police – Licensing Lincolnshire Police HQ <u>Po Box 999</u> <u>Lincoln</u> <u>LN5 7PH</u>
Telephone Number:	101 – Lincolnshire – Alcohol Licensing
E-mail:	countylicensing@lincs.police.uk

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

Name:	Pilgrim's Local - applicant Thiviyanthan ARULANANTHAPILLAI
Address:	3-4 Market Place, Boston
Application Details:	New Premises Licence Application
Date Application Received:	11/2/26

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, policies, case law and legislation has been considered.

Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 1.8, The police remain key enforcers of licensing law.

Section 1.15,It is recommended that licence applicants contact responsible authorities when preparing their operating schedules

Section 1.17, Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy.

Section 2.1, Licensing authorities should look to the police as the main source of advice on crime and disorder.

Section 2.5The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder.....

Section 2.20, The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Section 2.21, Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health

Section 4.2, The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder.

Section 4.61, Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

Section 8.41, In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

Section 8.42, Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

Section 8.43, Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

Section 8.44, It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Section 8.45, The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to

applicants include: • the Crime Mapping website; • Neighbourhood Statistics websites; • websites or publications by local responsible authorities; • websites or publications by local voluntary schemes and initiatives; and • on-line mapping tools.

Section 8.46, While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

Section 8.47, Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

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.

Section 9.42, Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

Section 9.43, The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Section 9.44, Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate

potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Section 11.26, (in relation to reviews but deemed relevant) Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

Boston Borough Council Licensing Act 2003 Statement of Licensing Policy

Effective 24 November 2025 to 23 November 2030 (the sections in bold are additions to the latest policy)

Section 2.7, The purpose of licensing is to control licensed premises and other events within the terms of the Act.

Section 2.8, These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the vicinity. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned. Vicinity has not been given a definition within the Act and may vary in distance from the premises depending on the nature of the area. Considerations which will be taken into account when assessing "in the vicinity" include but are not limited to:

- *The nature of the licensable activity*
- *The nature and locality of the premises*
- *The time of day of the proposed licensable activity/activities*
- *The frequency of the activity/activities.*

Section 2.11, 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.

Section 3.1, The Boston Borough Council aims to make the Boston area a safer place to live, work and visit by reducing crime and the fear of crime and reducing antisocial behaviour.

Section 3.4,Licensing is concerned with the fitness of the operator and detailed issues concerning the operation and management of the premises that are not addressed by the planning control process.

4 Licensing Objectives.

Each of the four licensing objectives is of equal importance and no one objective will take precedence over others when considering applications. The Licensing Authority considers the effective and responsible management of premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason these elements should be specifically considered and addressed within the applicants operating schedule.

The Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.

*In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects applicants to demonstrate knowledge of the area within which the licensed premises is situated. This would include, for example, proximity to residential properties, areas where children congregate , **areas covered by a Public Space Protection Order**, and any risk posed to the local area by the applicant's proposed licensable activity.*

The Licensing Authority does not propose to implement standard conditions on licences across the board. However, it will develop its own pool of model conditions and attach such conditions as appropriate given the circumstances of each individual case. Applicants are advised to consult section 10 of the guidance issued under Section 182 of the Licensing Act when formulating their operating schedules.

All parties are reminded that conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and then be translated to form part of the operating schedule for the premises.

The pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence or club premises certificate. It does not restrict any applicant, Responsible Authority, or other person from proposing any alternative condition, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a premises licence or club premises certificate where it considers it appropriate for the promotion of the licensing objectives.

A list of this Authority's current model conditions is available by contacting the Council's Licensing Team at licensing@boston.gov.uk

4.1 Prevention of crime and disorder

Section 4.1.1, The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.

Section 4.1.2, In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect on, and do all it reasonably can to prevent, crime and disorder in the Borough.

Section 4.1.3, When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule. The Licensing Authority encourages applicants to include in their operating schedule the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises according to the type of licensable activities that are to be carried on. Examples of measures the Licensing Authority encourage applicants to consider and address include

- *Measures agreed with the Police to reduce crime and disorder*
- *Training given to staff to prevent the sale of alcohol to those who are under age or appear drunk*
- *Measures to tackle street drinking including not selling single cans or bottles of beer, lager and cider; not selling super strength (ABV above 6.5) beer, lager and cider; and attaching water proof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.*
- ***Ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.***

CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police

4.2.5 Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety. The following schemes are recommended by this Authority: Community Alcohol Partnerships - retailer-led partnership to tackle issues of underage drinking and promote greater awareness and understanding of alcohol among young people. Applicants and licence holders interested in joining Boston Community Alcohol Partnership can obtain more information from the Licensing Team

4.3 Prevention of Public Nuisance

Section 4.3.1, Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

Section 4.3.2, The Licensing Authority intends to interpret "public nuisance" in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Section 4.3.3, When addressing public nuisance the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to

adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule. For example, the Licensing Authority expects an applicant to identify how public nuisance will be controlled in outside areas, particularly in smoking areas, that are not within the boundary of the licensed area. This would include prohibiting the consumption of alcohol.

Section 4.3.4, Applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, local businesses, hospices and places of worship*
- The hours of opening, particularly between 23.00 and 07.00*
- The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises*
- The design and layout of the premises and in particular the presence of noise limiting and/or monitoring features*
- Control of nuisance from persons using outside areas and in particular smoking areas.*

Section 4.3.5, The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities

- Effective and responsible management of premises*
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly*
- Control of operating hours for all or parts (e.g. garden areas) of the premises, including such matters as deliveries*
- Adoption of best practice guidance (e.g. Good practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics)*
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises*
- Management arrangements for collection and disposal of litter*
- Posting at exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly and in an orderly manner.*
- Regularly clearing outside the premises of litter associated with the operation of the premises e.g. cigarette ends.*

Section 5.2, Each application for licensing will be considered on its own merit. Nothing will undermine any person from applying for a variety of permissions under the Act.

9 Licence Hours

Section 9.1, Under the Act there are no standard permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to be open for the sale of alcohol and to apply to vary their existing licences if they wish to sell alcohol beyond their current

hours. However, there is no general presumption in favour of lengthening licensing hours in any area of the Borough and the four licensing objectives will be the paramount consideration at all times.

Section 9.2, As far as the Licensing Authority's overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on the centre than is necessary and can lead to unnecessary disorder and nuisance. Applicants should note that the Licensing Authority will give more careful consideration to applications for premises situated in predominantly residential areas, where relevant representations have been received and the proposed hours of operation are between 11.00pm and 7.00am. In the absence of any representation the application must be granted.

Section 9.3, Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes subject to paragraph 5.2 above. However, in the case of individual shops that are known to be or are in an area which is known to be a focus of disorder and disturbance, or in largely residential areas where the proposed operation is likely to result in noise nuisance, subject to receiving relevant representations, a further limitation on licensing hours may be appropriate.

11 Designated Premises Supervisor

Section 11.1, The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this, the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.

Section, 11.2, The main purpose of the Designated Premises Supervisor is to ensure that there is always one specified individual, among the personal licence holders at the premises, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises.

Section 14.3, The Licensing Authority will not operate a quota of any kind which would pre-determine any application. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, other clubs and off licences all sell alcohol, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

35 Public Space Protection Order

Section 35.1, The Anti-social Behaviour, Crime and Policing Act 2014 allowed the Council to consult on introducing a Public Space Protection Order (PSPO) to tackle the problem of street drinking and associated crime and nuisance in Boston Town Centre. Following consultation, a

PSPO was adopted in 2015 which prohibits people consuming alcohol or having an open container of alcohol in a defined area. A map 34 of the current PSPO area is provided in the appendices.

35.2 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public nuisance. In the town centre, for example, there are significant issues with street drinking and the associated antisocial behaviour this causes.

35.3 When considering applications for off licences, especially within the PSPO, the authority would expect applicants to acknowledge issues relevant to alcohol related disorder, within their operating schedule. Additionally, applicants would be expected to implement measures to mitigate any detrimental impact on the licensing objectives. For example:

- **no sales of high strength beers, lagers, and ciders,**
- **restricting the sale of single cans**
- **undertaking appropriate staff training • implementing a Challenge 25 age verification policy**
- **use of CCTV to cover the proposed licensable area.**
- **attaching waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.**
- **ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises. This is not an exhaustive list, and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.**

Crime and Disorder Act 1998 Section 17

Duty to consider crime and disorder implications.

(1) *Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,*

- (a) *crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and*
- (b) *the misuse of drugs, alcohol and other substances in its area, and*
- (c) *re-offending in its area*

(2) *This section applies to each of the following—
.a local authority*

This application is for a premises licence to sell alcohol off-sales between the hours of 0800-2300, 7 days a week at 3-4 Market Place, Boston. The proposed opening times of the premises match those of the alcohol sales.

In January 2025 and July 2025 premises licence applications for this location were refused at hearing following representations made by Lincolnshire Police. At the first hearing the sub-committee 'did not consider that conditions would appropriately address the issues of crime and

disorder or public nuisance which was already evidenced in the area'. Please see Appendix A for the decision notice. At the second hearing the sub-committee again felt that 'there were no conditions which would appropriately promote the licensing objectives'. Please see Appendix B of the decision notice.

When assessing applications for risks to the licensing objectives, Lincolnshire Police look at what licensable activities are applied for, when, where and by whom.

In relation to this new application, much like the previous two, there was no pre-application consultation with Lincolnshire Police. Lincolnshire Police have reached out to the applicant as they are not the same individual as the previous two applications and met with them.

This premises licence application is an improvement on the previous ones as there is reference to the Public Space Protection Order (PSPO) although it lacks some of the conditions recommended in the Council's Statement of Licensing Policy. Lincolnshire Police also feel that condition B4 'No multipacks shall be sold where any container within the multipack exceeds 6.5% ABV' is not needed if condition B3 'No beers, lagers, ciders or similar products exceeding 6.5% ABV shall be stocked or sold' is in place.

Lincolnshire Police are pleased that the applicant has included CCTV, incident books, challenge 25 and conditions relating to high ABV beer/lagers, and no single can sales however, the conditions offered are not comprehensive for what is being applied for and the location of the premises and so does not adequately reflect the risk posed. It shows a lack of understanding and knowledge of the area and of licensing. Many conditions which Lincolnshire Police would seek for an off-sales premises within the PSPO are not part of the application, such as additional street drinking conditions around alcohol labelling, right to work checks, no foreign medicines for sale, windows clear of covering for an unobstructed view and a personal licence holder on premises. Some of the conditions that are offered are not specific or measurable and lack detail. For example, the CCTV condition does not state that a playback facility will be available, staff training does not mention how long records are to be kept for, the incident logbook does not give a retention period.

Boston has a Public Space Protection Order (PSPO) that covers alcohol/street drinking (failure to comply with an officer's request to stop). The PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing, and it must be unreasonable. The PSPO can impose restrictions on the use of that area, which applies to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour. The effect of the Order in Boston is to prohibit consumption of alcohol within an area and to require specified things to be done by person/s consuming alcohol in that area.

Boston Borough Council and Partners have been working to improve the quality of life for those living, working in and visiting the area. Mr Peter Hunn Boston Borough Council's Community Safety Manager and team leader of the Council's Enforcement Team responsible for Anti-Social

Behaviour has provided a statement in support of this representation. It provides background to the PSPO along with statistics around its enforcement. Please see Appendix C for the statement of Mr Hunn. Lincolnshire Police Boston Borough Neighbourhoods Inspector Ian Cotton has also provided a statement detailing neighbourhoods policing view, which can be seen at Appendix D.

Lincolnshire Police's Licensing Department's role regarding the PSPO has been to consult with all applicants for new applications and major variations and based on location and planned operation where the application is for off-sales within the PSPO, where suitable, request reasonable hours, PSPO type conditions, explain why and highlight the Council Statement of Licensing Policy, which during the policy's last consultation was updated with further input around the PSPO for alcohol. With the previous policy 5 years before that being the first to advise on street drinking conditions.

3-4 Market Place sits within the heart of the PSPO for alcohol. It's located where the Market Place meets Strait Bargate and Petticoat Lane, in a pedestrian area of high foot fall with seating and a communal gathering area for people. Many public events now take place in the Market Place.

The Market Place is one of four current hotspots which came about from OP Plotting, which Boston Neighbourhood Policing Team implemented using an evidence-based approach to understand the problem of street-based violence and ASB, using College of Policing tools. The team designed and implemented focused interventions to tackle underlying causes in locations of greatest need. This approach started with collating 2.5 years of data (post COVID) including street-based violence offences, ASB and criminal damage (occurring on the street), along with Cambridge Crime Harm Index scores and Street Safe data (tool to report public concerns, such as poorly lit areas or vandalism etc) to build a detailed picture of crime/ASB volumes, areas of high harm and public perception. The analysis identified four hotspot locations (accounting for approximately 1.15% of the area of Boston), namely Central Park, Wormgate/Red Lion Street area, West Street, and the Market Place.

These locations are where the volumes of ASB and crime are concentrated, and within those areas are concentrations where the highest harm occurs. It was established that where there are concentrations of volume of incidents there were smaller but correlated pockets of high harm. It can be said with almost certainty that low level ASB/crime paves the way for high harm to occur, which is also underpinned in academic literature.

Alcohol is a significant factor within each hotspot location. It is recorded as a contributing factor either on the incident or the crime by the officer attending. Alcohol was recorded as a contributing factor between 15% and 33% of all relevant crimes' and between 20% and 52% of ASB, with 52% being in the Market Place. It is worth noting that this is not a nighttime economy (NTE) issue, although NTE may contribute in a small way it isn't significant. In 2023 there were only 68 recorded nighttime economy offences in Boston. The table below shows the prevalence of alcohol as a contributing factor within the hotspot locations amongst crime and ASB.

	Alcohol prevalence	
	ASB	Crime
West Street	20%	33%
Market Place	52%	30%

Red Lion Street	40%	26%
Central Park	23%	15%

Ongoing Partnership work is occurring in these hotspots and licensing forms part of that, to ensure Boston has premises licences conditioned suitably for the risk and that operators are responsible, uphold the licensing objectives and operate within the law. Specific officers are employed by the Council to enforce the PSPO, along with Police and Community Support Officers.

Boston Borough Council's Statement of Licensing Policy most recent publication includes street drinking and the PSPO to a greater degree than previous editions, with the ethos being very much on prevention and deterrence. The previous two premises licence refusals were prior to this new policy being in place.

The stringent conditions Lincolnshire Police usually seek for off-sales within a PSPO would be as per the Council's Statement of Licensing Policy 4.1.3. Lincolnshire Police's view is that these along with other suitable conditions like CCTV, staff training, incident/refusals book, challenge 25, right to work checks, not stocking for sale illegal/foreign medicines and retention of invoices for goods purchased, no covering the windows, so that 75% is free/clear for an unobstructed view in and out of the premises, a personal licence holder on site during all the hours of operation would usually be suitable for a premises on the edge of the PSPO, where the operation was not mainly alcohol. Here however, we have one in the centre of the PSPO, in a hot spot area for the highest alcohol related ASB and therefore deem the risk to the licensing objectives too great, regardless of suitable conditions and hours.

The applicant has informed the Police that he is not from Boston and has not run a business in Boston before. He operates similar premises elsewhere in various parts of the country and tells the Police he's the premises licence holder (PLH) of 3 premises either as an individual or as a director of the company holding the premises licence and he is the DPS of these three premises. He is also the part owner of another licenced premises in Morton near Gainsborough where he is not the PLH/DPS. The applicant does not live locally.

The applicant has informed the Police that at present he has not taken ownership of the business that operates from 3-4 Market Place, nor has he signed a lease or asset purchase agreement. Discussion regarding these is currently being had with the previous premises licence applicant/current business owner and much depends on whether a premises licence is granted.

Discussions were had with the applicant on the planned percentage of turnover from alcohol sales. The applicant said it would be hard to say, however as there was competition nearby for household items/food stuffs he could see it being 30-40%.

It is Lincolnshire Police's view that regardless of how good an applicant is in terms of experience, or how well-conditioned a premises licence may be there will still be issues at this location if alcohol is sold for off-sale. With off sales at a premises in the heart of the PSPO, in a busy largely pedestrian area, where seating is provided and congregation is common, there will be little the licence holder can do to change the behaviour of the customers once they leave the premises if

they are set on consuming the alcohol they have just purchased. As appendix C and D shows there is still an issue with street drinking and the granting of this licence will increase that work for the Council and police enforcement officers of the PSPO. It will also likely increase the alcohol related crime and ASB for the area, which is already high and which partners are working on to reduce.

Boston Borough Council Licensing Act 2003 Statement of Licensing Policy has particularly relevant Sections

2.11, 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.

4.3.1, Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

4.3.2, The Licensing Authority intends to interpret "public nuisance" in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Lincolnshire Police acknowledge the need for businesses in the Market Place, but those business shouldn't be at the detriment to an already troubled area. The granting of the licence would be counterintuitive and undermine the work currently done around the PSPO and OP Plotting. It would also harm the work done around temporary event notices for Market Place events and keeping alcohol contained within licenced set areas, on-sale premises keeping alcohol inside, and pavement licences and the keeping of alcohol in contained licenced areas for on-sales only.

We are looking at the risk to the licencing objectives, on the balance of probabilities. It is not unreasonable to foresee those objectives being undermined in the heart of the PSPO where off-sales are concerned, where there is seating and much pedestrian traffic and where alcohol related crime and ASB is already high.

Relevant case law taken from [Alcohol licensing: using case law - GOV.UK](#)

The British Beer and Pub Association v Canterbury City Council

This is an important case looking at what Licensing Authorities can and should include in their Statements of Licensing Policy.

Mr Justice Richards said:

'A policy ... not only guides the decision-maker but also serves to inform an applicant about what he should consider in preparing his application... An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions.

And:

The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an applicant can legitimately complain if a failure to take account of those expectations gives rise to representations...An applicant who does not tailor his application to the policy therefore faces an uphill struggle.'

Responsible Authorities should be encouraged by this case to take an active role in the preparation and drafting of Statements of Licensing Policy, because these policies are an important tool in shaping the activities that take place in each vicinity. A well drafted policy gives a strong and clear basis for representations on individual matters and helps licensing committees make robust decisions.

In the case of East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)(2016).

In this case, the High Court upheld the Licensing Committee's decision to revoke a premises licence where the licensee had employed an illegal worker.

The significance of the case is that it reaffirms the principle that Responsible Authorities need not wait for the licensing objectives to actually be undermined before objecting to a licence being granted. This case would be most relevant when opposing a grant application.

Commenting on the way committees and courts should approach the promotion of the licensing objectives, Mr Justice Jay said:

'The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence'.

In the case of Daniel Thwaites plc v Wirral Magistrates' Court and Others (2008).

This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them.

This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in

their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications.

The Honourable Mrs Justice Black said:

'Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.'

Westminster City Council v Middlesex Crown Court and Chorion plc (2002).

This case is important because it sets out the approach that courts on appeal should take where a council has a policy. Responsible Authorities should be encouraged by this case to help shape their council's licensing policy so that it sets out a strategic approach to promoting the licensing objectives in their particular area. A clear policy will provide a strong basis to impose conditions, refuse licences and so on, which should then be upheld by the court on appeal because the reasons for the conditions or refusals will be well-founded and readily understood. It would be most relevant when updating Statements of Licensing Policy.

Mr Justice Scott Baker said:

'It must accept the policy and apply it as if it were standing in the shoes of the Council considering the application.'

Having regard to the existing levels of alcohol-related crime, anti-social behaviour and street drinking in Market Place, Lincolnshire Police believe that these will be worsened if this application is granted, along with an increase in work around the enforcement of the PSPO.

Lincolnshire Police therefore request that this application be refused as it is simply not possible to condition against what is being proposed in such a location, to reduce the risk to the licensing objectives to an acceptable level.

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

None, due the location and planned operation style.

Have you contacted the applicant to discuss this representation?

Yes Y No

Do you consider mediation could resolve the issue?

Yes No X

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).

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

Date of hearing	21 January 2025 10.00am
Members of Sub-Committee	Cllr Drayton Cllr Evans Cllr Gleeson (Chair)
Premises Licence Applicant	Jaffna Ltd
Premises Address	3-4 Market Place, Boston
Date Application Received	26 November 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 Rasalingam (the applicant), Lincolnshire Police and Peter Hunn (Community Safety Manager).

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:

Mr Rasalingam advised the sub-committee that he was relatively new to Boston and was unaware of the PSPO when he applied for his licence. Mr Rasalingam explained he had

nine years' experience in retail but acknowledged he had not managed a premises licence for alcohol before. He explained that whilst he didn't, his family did have experience, and he had assisted his family in those premises. His background was as a qualified accountant. Mr Rasalingam advised he would cooperate with the police and local authority. He explained he would train staff, explain to people buying alcohol about the PSPO and should there be any issues he would refuse them, note their details and any future problems report them to the police. The Police and Mr Hunn advised the sub-committee of the background of the PSPO and the issues regarding drinking in that area. They also advised of the levels of incidents that were still occurring in the area.

The sub-committee noted the application and were of the view that the application did not address appropriately the four licensing objectives. They considered that the applicant did not display sufficient knowledge of the area and its issues to sufficiently or appropriately address the levels of crime and disorder and public nuisance already occurring in the area. The sub-committee considered conditions but did not consider that conditions would appropriately address the issues of crime and disorder or public nuisance which was already evidenced in the area. The sub-committee considered excluding the licensable activity applied for but noted this would have the same effect as refusing the licence. The sub-committee considered whether to exclude the DPS but we're of the view that this would also not appropriately promote the licensing objectives. With all of this in mind the sub-committee considered that the only option available that would appropriately promote the four licensing objectives was to refuse the licence.

The sub-committee therefore decided to refuse the licence applied for.

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:



Anna McDowell
Senior Licensing Officer
On behalf of the Licensing Sub-Committee

Dated: 22nd January 2025

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

Appendix B

Date of hearing	30 July 2025
Members of Sub-Committee	Cllr L Savickiene Councillor R Austin Councillor S Woodliffe
Premises Licence Applicant	Jaffna Ltd
Premises Address	3-4 Market Place, Boston
Date Application Received	10 June 2025
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 Rasalingham (the applicant), 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 heard from Lincolnshire police that the premises is in the heart of the PSPO area. Whilst the matter should be dealt with on its own merits nothing much had changed since the earlier application and the application belied the experience of the applicant. The application does not acknowledge that the premises is within the PSPO and doesn't engage with the problem with street drinking in the town or adequately address or promote the licensing objectives. The conditions proposed don't adequately address issues – examples were given in relation to the CCTV condition offered. The police provided a background to the levels of incidents

occurring in the area. The police further noted that on 11th July 2025 the premises failed a test purchase selling a vape to an underage child – in respect of identification the child was told to 'bring it next time' by the staff member who still sold the vape to the child.

Mr Rasalingham advised the sub-committee that the application include more conditions and they had good measures in place. In respect of the underage vape sale he acknowledged that the staff member shouldn't have sold the vape and that staff member had been put on further training. Mr Rasalingham advised he was on the premises most days and had 2 other members of staff. Mr Rasalingham advised he would be willing to include a partition in the premise with manual access to the alcohol area.

The sub-committee noted that the premises had been open for some months now and were of the view that the applicant should be fully aware of the PSPO and the issues in the area. They were concerned that despite that the application did not appropriately promote the four licensing objectives. They noted the failed test purchase and the response of the staff member regarding ID. The sub-committee considered conditions and were of the view that there were no conditions which would appropriately promote the licensing objectives, they noted as part of that the evidence of the failed test purchase. The sub-committee considered excluding a licensable activity but there was only one activity applied for and would be the same as refusing the application. They considered refusing to specify a person as the DPS but did not consider this would promote the licensing objectives. The sub-committee decided that it was appropriate for the promotion of all 4 of the licensing objectives that the application should be 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:

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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:

S. Woodliffe
J. Savickienė
Rupert

Licensing Sub-Committee

Boston Borough Council

STATEMENT OF WITNESS

**(CRIMINAL JUSTICE ACT 1967 SECTIONS 2 & 9:
MAGISTRATES COURT RULES 1968 RULES 58)**

SURNAME: **HUNN**

FORENAMES: **PETER**

Age of Witness: **Over 18**

Occupation: **SAFER COMMUNITIES MANAGER (OPERATIONS)**

Address: **Boston Borough Council, Municipal Buildings, West Street, Boston PE21
8QR**

I am employed by Boston Borough Council, make oath and say as follows:

This statement is made from my own knowledge unless otherwise stated.

1. I am employed by Boston Borough Council (hereafter referred to as "the Council") as Safer Communities Manager (Operations) and team leader of the Council's Enforcement Team responsible for Anti-Social Behaviour. I have held this position since September 2009, before starting for the council I worked as Community Support Officer for Lincolnshire Police. I hold a Post Graduate Certificate in Anti-Social Behaviour Law and Strategy from Sheffield Hallam University (obtained in 2007) and I am the Council's lead officer for all Anti-Social Behaviour and Community Safety matters. I have been employed by Boston Borough Council since August 2004.

2. Boston Borough Council introduced a Public Spaces Protection Order (PSPO) on Monday 12th January 2015 that restricts the consumption of alcohol within a designated area of the town centre. It is a statutory requirement under the Anti-Social Behaviour Crime and Policing Act (2014) that a PSPO may not have effect for a period of more than 3 years, unless extended by the local authority responsible for granting the original order. The current order commenced on 11th January 2024. Boston Borough Council Cabinet has previously extended the order three times, each for a period of three years.

3. The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) commenced on 20th October 2014. All of the powers set out within the Act, except for Civil Injunctions, came into force on this date. The Act (Publication of Public Spaces Protection Orders) Regulations 2014 also came into force on 20th October 2014 and set out the procedure for declaring a Public Spaces Protection Order.

4. On 8th December 2014, Full Council approved that a Public Space Protection Order restricting the consumption of alcohol within Boston town centre would commence on Monday 12th January 2015.

5. The Act sets out that a PSPO may not have effect for a period of more than three years, unless extended by the authority that granted the order. Boston's PSPO was first set to expire on 11th January 2018 and Cabinet approved the

first three-year extension on 6th September 2017, commencing from 12th January 2018. Cabinet approved a second extension of three years on 2nd December 2020, commencing from 12th January 2021. Cabinet approved a third extension of three years which commenced on 12th January 2024 and currently runs until the 11th January 2027.

6. The statutory requirement also states that before the time a PSPO is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent; (a) occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time. An extension under this section (3) (a) may not be for a period of more than 3 years (b) and must be published in accordance with regulations made by the Secretary of State. A PSPO may be extended under this section more than once.

7. Part 4 of the Act (Community Protection, Chapter 2, Section 61) sets out the provisions for the variation and discharge of orders where a PSPO is in force, allowing the local authority that made the order to vary it in the following ways:
 - (a) by increasing or reducing the restricted area.
 - (b) by altering or removing a prohibition or requirement included in the order or adding a new one. In addition:

- (c) a local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (d) a local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (e) a Public Spaces Protection Order may be discharged by the local authority that made it.
- (f) where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (g) where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.
8. The table below gives a full statistical update of enforcement action undertaken by the local police and safer communities team made under this order between 1st January 2018 and 31st December 2025. The police or council officers spoke to 784 individuals during that period for consuming alcohol within the controlled area. 108 individuals out of the 784 were found to continue to consume alcohol within a six-month period of receiving both verbal and written advice not to do so and have been dealt with under a tiered enforcement approach.

9. PSPO Enforcement data from 1st January 2018 to 31st December 2025

	Public Spaces Protection Order - Enforcement Action								
	Jan to Dec 2018	Jan to Dec 2019	Jan to Dec 2020	Jan to Dec 2021	Jan to Dec 2022	Jan to Dec 2023	Jan to Dec 2024	Jan to Dec 2025	Total
Stage 1 Advice	179	54	84	32	24	49	161	93	676
Stage 2 Warning	21	6	12	2	1	5	16	16	79
Community Protection Notice Warning	7	1	3	1	0	2	6	4	24
Community Protection Notice	1	0	0	0	0	0	0	3	4
Community Protection Breaches	0	0	0	0	0	0	0	0	0
Fixed Penalty Notice	1	0	0	0	0	0	0	0	1
Total	209	61	99	35	25	56	183	116	784

10. The data provided shows that targeted work undertaken by the Police and Council Community Rangers during April 2024 to March 2025 impacted the number of people being approached within the PSPO and increased the number of advice and warning letters issued. These figures picked up again from August 2025 with the introduction of Community Safety Officers in the Council. Street drinking is an issue that the public often raise when consulted and talk about on social media. It is vital that the local community are reassured that the Police and Boston Borough Council are responding to their concerns and take street drinking, and associated anti-social behaviour,

seriously. Discharging the PSPO at this stage has been deemed by the council to have a detrimental impact on perceptions of street drinking and how it is managed, and on feelings of safety within the town.

11. Data provided by Lincolnshire Police covering the number of Drunken Behaviour and Street Drinking incidents in the beat areas that incorporate the PSPO (from 1st January 2021 to 31st December 2024), along with comparisons to the rural areas. This data shows that the huge majority of both Drunken Behaviour and Street Drinking incidents can be attributed to the town centre. Drunken Behaviour incorporates all of that incident type in public or private areas; so, a good proportion of this will never be seen on the street, for example poor behaviour of the intoxicated in Accident and Emergency (A&E).

12. Lincolnshire Police Data on Drunken Behaviour and Street Drinking

ASB - DRUNKEN BEHAVIOUR						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023	14	5	22	22	69	132
2024	15	4	55	32	73	179

ASB - STREET DRINKING						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	1	1	4	3	1	10
2022	1	0	3	1	8	13
2023	6	0	3	2	10	21
2024	2	1	1	2	8	14

13. The beat codes that incorporate the PSPO are: NC32 Town Centre, NC31 Town West, and NC30 Town East (highlighted in yellow above). NC28 and NC29 are the rural beats. The boundary line between NC32 and NC30 is the Market Place.

14. Purely Street Drinking incidents are low compared to general drunken behaviour incidents, however, not so low that it is considered that the PSPO is no longer required. Lincolnshire Police recommend that there is a need to maintain the status quo, but no need to extend the scope of the area covered.

15. From Lincolnshire Police's perspective, there have been decreases in ASB drunken behaviour significantly over the last year. Boston Neighbourhood Policing Teams have started to concentrate on hotspot locations where the most street based violence and ASB is occurring. It is acknowledged that in the hotspot locations alcohol plays a significant role in both crime and ASB. Within the four hotspots alcohol is recorded as a factor in between 15 and 52 percent of crimes or ASB recorded (street based). On a positive note, drunken

behaviour has dropped significantly, but through the analytical work, there are still areas to work on within the hotspots, so maintaining the PSPO is critical, as it is a tool that police can use to address the issues that remain. Police work beyond enforcement with partners in the Safer Communities Team and other agencies to tackle alcohol related issues to try to resolve longer-term persistent offenders; however, enforcement is considered where support does not change behaviour.

16. The PSPO is a valuable tool that can be used by both the council and police to tackle street drinking, particularly that leads to or is causing ASB. It is an effective method to stop escalation of ASB and tackle longer-term perpetrators. Lincolnshire Police continue to address the issues caused by drunken behaviour, both publicly and privately, by a number of different complementary methods, one of which is maintenance of the PSPO.

17. Between April 2024 to April 2025, Boston Borough Council were successful in obtaining fixed term funding from the Home Office Serious Violence Funding Project to employ two Community Rangers to patrol Boston Town Centre on the following days and times each week, Tuesday to Thursday 1pm to 8pm and Friday and Saturday 3pm to 11pm, and their main duty on their patrols is to manage the enforcement of the Council's PSPO in relation to Alcohol. This is the first time since the order came into force in 2015 that the Council has had a dedicated team doing this, previous to this we had to rely on the Police to

enforce the order around their other duties and responsibilities. Since the Community Rangers commenced working we have seen a dramatic increase in street drinking issues found within the designated zone of the PSPO:

Community Rangers - Monitoring Data	Total April 2024 to April 2025
Number of people approached in relation to the PSPO	450
Number who complied with request for details (PSPO)	335
Number of people refusing to give details (PSPO)	94
Number of people refusing to surrender the alcohol (PSPO)	51

18. These figures have shown that just within 12 months of their dedicated patrolling and enforcement of the PSPO they have nearly equalled the same enforcement levels of the police over the last 6 years. This is particularly concerning to both the Council and Police which has highlighted that the issue of consuming alcohol within the Town Centre is as prevalent as before the original order was made and the work now highlighted by enforcement figures of the Community Wardens since April 2024 have shown both the Council and Police have a great deal of work still to do to address the issue of street drinking in our Town Centre. The Community Rangers only work 8 hour shifts within a 24 hour period, 5 days a week, we have to ask ourselves what our enforcement figures would look like if had the dedicated resource of the Rangers across the 24 hours of the day, 7 days a week.

19. From the enforcement side much work goes on in the background to support the PSPO. Alcohol is seized off street drinkers year round and there's ongoing work around repeat offenders. Newer off-licences within the PSPO have conditions on their licences limiting what/how many cans they can sell due to street drinking (the suggested conditions are listed in the council licensing policy and Police regularly make representation for them to go onto licences). Pubs/clubs are regularly spoken to regarding customers leaving their premises with drinks, even if it's just to smoke outside. Pavement licences are objected to and refused if not within a licenced area of a licenced premises, unless they agree to no alcohol consumption in that area. Making this work all the more difficult and undermined when an off licence premise is not well managed and ultimately provides an opportunity for people to purchase alcohol that is to be consumed off the premises and in our experience by the statistics and evidence shown in this statement now usually within the designated zone of the PSPO.
20. The largest area within the designated zone of the PSPO where the Community Rangers have found and dealt with street drinkers since April this year is within the Market Place, New Street, Red Lion Street and Strait Bargate areas, these areas are our largest footfall area within our Town Centre and I would like to raise my concern that by adding another off licensed premises within this same area is going increase the likelihood of increasing incidents of street drinking more, rather than reducing it as we hope moving forward.

21. I have shared concerns with Lincolnshire Police that know matter how good any applicant is in terms of running a premises with a off sale premise licence, they will not be able to manage the consumption of alcohol bought at their premises being consumed within the heart of the designated zone of the PSPO. The premises in question is located within the area the Rangers and now replaced by the Community Safety Officers who commenced their patrols in August 2025 are currently finding most of our recent street drinkers and where we find the largest footfall of people using our Town Centre. Members of the public visiting Boston as well as residents living in the area and business owners working within the Town Centre do not want to see people consuming alcohol sat on seats or standing within areas where we have already highlighted, once again just this year, that the PSPO is still required and needed to address the issues associated with street drinking. By allowing another premises within the PSPO area to sell alcohol off-sales this will likely increase alcohol related ASB and crime and make the work of the council and police even harder.
22. I am in support of the police to request that because of the current increase of street drinking, as highlighted by the work of the Community Rangers and now Community Safety Officers since April 2024 that the committee should refuse the application for another off-sale premises selling alcohol within the designated zone of our PSPO.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

SIGNED 

Peter Hunn

DATED 27th February 2026

Occurrence Number:		URN			
Name of Witness:	Ian Cotton				
Home address:	Boston Police Station				
Mobile:		Email address:	ian.cotton@lincs.police.uk		
Home telephone No.:		Work telephone No.:	07973847077		
Preferred means of contact (specify details):					
Gender:	Male	Date and Place of Birth:	12/08/1975 Louth, Lincs		
Former Name:		Ethnicity code (16+1):	W1		
DATES OF WITNESS NON-AVAILABILITY:					

Witness care	
a)	Is the witness willing and likely to attend court? <i>yes</i> If 'No', include reason(s) on form MG6
b)	What can be done to ensure attendance?
c)	Does the witness require a Special Measures Assessment as a <i>vulnerable or intimidated witness</i> ? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes', submit MG2 with file in anticipated not guilty, contested or indictable only cases.
d)	Does the witness have any particular needs? If 'Yes', what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)			
a)	The Victim Personal Statement scheme (victims only) has been explained to me:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b)	I have been given the Victim Personal Statement leaflet and Select wish to make a Victim Personal Statement at this time.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c)	I have been given the leaflet "Giving a witness statement to the police – what happens next?"	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d)	I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice):	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
e)	I consent to my medical record in relation to this matter being disclosed to the defence:	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
f)	I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA:	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
g)	Child witness cases only. I have had the provision regarding reporting restrictions explained to me. I would like CPS to apply for reporting instructions on my behalf.	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness:	Ian Cotton	PRINT NAME:	Ian Cotton
Signature of parent/guardian/ appropriate adult:		PRINT NAME:	
Address and telephone number if different from above:			

Statement taken by (print name):	Self	Station:	Boston
Time and Place Statement taken:	02/03/26 Boston Police Station		

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN				
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Statement of: **Ian Cotton**

Age if under 18: **018** (if over 18 insert 'over 18')

Occupation: **Police Inspector**

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: **Ian Cotton**

Date **02/03/26**

Tick if witness evidence is visually recorded (*supply witness details on rear*)

I have been the Neighbourhood Policing Inspector for Boston Borough since March 2024. I have been a Police Officer for twenty one years, all of that time within Lincolnshire, serving in all areas of the county. I care passionately about the county and the people living here.

Boston has some of the highest deprivation and lowest educational achievement levels in the country.

Footfall in the town centre, through analysis, has been shown to be 50% less than expected for a town of its size and nature. The question must be asked, why?

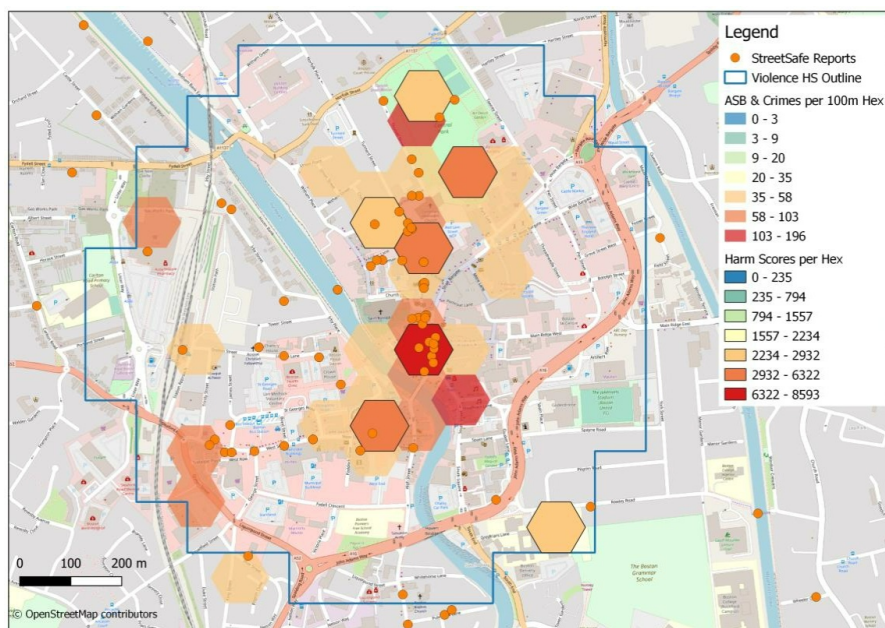
That question was asked in 2022 when police and partners surveyed the local community as part of Operation Plotting. This operation looked to address the concerns and low feelings of safety within the community. It uses a partnership approach to place resources where they are most needed. Analysis detailed where the areas of high harm crime and ASB were within the town. This led to four hot-spots of ASB and crime within the town being identified. Patrol plans were identified to target these hot-spots in order to reduce offending behaviour and increase feelings of safety.

From the public surveys it was clear that one of the main concerns of the public was street drinking and drunken behaviour within the town. This was validated when analysis showed that alcohol was a high contributory factor to crimes, particularly within Boston Market Place, one of the identified hot-spots.

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Statement of:



Map to show High Harm crime, ASB and Serious Violent Crime in Boston

Within the analysis of the Market Place hot-spot the following was raised:

The key concerns of the public, largely reported by people over the age of 45, through StreetSafe, show concerns over signs of alcohol/drug use, particularly at night. Top ASB reports are for Inconsiderate Behaviour and Drunken Behaviour, with Common Assault & AOABH the main crime occurrences. The influencing factors are largely alcohol and a substantial amount of the crimes take place between 2300 and 0200. Other key times are in the afternoons where retail staff and other people using the space are victimised.

Routine Activity theory helps to explain some of these patterns and provide inferences: Drunkenness either increases the vulnerability of victims, or increases aggression through offenders, in a locations where victims and offenders come together through shops, bars/pubs or congregating at meeting places (e.g. Taxi rank, statue, outside pubs). (Boston Town – Market Place: Street Violence Overview November 2022)

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Boston has a Public Space Protection Order which has been effective since January 2015. Historical data shows that the number of enforcement interactions with members of the public has reduced substantially in the last few years. There were well over 209 enforcement actions in 2018. This had dropped to 47 enforcement actions in 2023. This does record enforcement actions and not interactions with members of the public found to be in possession of alcohol. There are reasons for the reduction in police interactions which include the reduction in availability of Neighbourhood Policing Officers to carry out this work during the period. However, the reduction can be seen as a reflection on the partnership response to the issue presented by members of the community and their concerns around street drinking and associated anti-social behaviour.

Since April 2024, Boston Borough Council were successful in obtaining fixed term funding from the Home Office Serious Violence Funding Project to employ two Community Rangers to patrol Boston Town Centre. These Rangers have been an invaluable tool in addressing street drinking and anti-social behaviour in the town centre hot-spots. It can be seen from the figures below supplied by Boston Borough Council that the Rangers have had hundreds of interactions with people who have been approached about the conditions of the PSPO. This indicated that the issue is still one that needs attention and consideration by the authorities.

Community Rangers - Monitoring Data	Total April 2024 to April 2025
Number of people approached in relation to the PSPO	450
Number who complied with request for details (PSPO)	335
Number of people refusing to give details (PSPO)	94
Number of people refusing to surrender the alcohol (PSPO)	51

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Statement of: _____

Public Spaces Protection Order - Enforcement Action									
	Jan to Dec 2018	Jan to Dec 2019	Jan to Dec 2020	Jan to Dec 2021	Jan to Dec 2022	Jan to Dec 2023	Jan to Dec 2024	Jan to Dec 2025	Total
Stage 1 Advice	179	54	84	32	24	49	161	93	676
Stage 2 Warning	21	6	12	2	1	5	16	16	79
Community Protection Notice Warning	7	1	3	1	0	2	6	4	24
Community Protection Notice	1	0	0	0	0	0	0	3	4
Community Protection Breaches	0	0	0	0	0	0	0	0	0
Fixed Penalty Notice	1	0	0	0	0	0	0	0	1
Total	209	61	99	35	25	56	183	116	784

The area that most interactions have taken place is the Market Place and Strait Bargate areas.

Lincolnshire Police figures for the years previous have seen a steady increase in the number of incidents involving drunken behaviour in our town centre and it can be seen there are many more in the town centre beat area than other areas of Boston.

ASB - DRUNKEN BEHAVIOUR						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023	14	5	22	22	69	132
2024	15	4	55	32	73	179

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Statement of: _____

I have been asked to consider the application for an off-licence at 3-4 Market Place, Boston. The business would be predominantly alcohol sales. I have to say that I object to the application based upon the effect on crime and disorder within the town. It would encourage breaches of the PSPO. The area is a serious violent crime and ASB hot-spot which still has issues with street drinking. There has been so much work to reduce the harm caused by alcohol abuse within the town the granting of the licence would be completely counter-productive to it. It would send a message to partners that are trying to improve the quality of life for those in the area and increase footfall, feelings of safety and prosperity in the town that there is no joined up thinking in our approach. I object to the application and hope that the committee can see the reasons for it.

Boston has some of the lowest footfall in the country. Agencies are working hard to provide a safe and welcoming environment in the town centre. This new shop falls directly in the town centre and to have another off-licence here would encourage drinking of alcohol in the nearby pedestrian areas and the nearby central park.

Signature:	Ian Cotton Insp 1367	Signature witnessed by:	
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Appendix E

Updated statistics from Lincolnshire Police to include data from 2025 - covering the number of Drunken Behaviour and Street Drinking incidents in the beat areas that incorporate the PSPO (from 1st January 2021 to 31st December 2025), along with comparisons to the rural areas which are seen in statements from Mr Hunn and Insp Cotton.

ASB - DRUNKEN BEHAVIOUR						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023	14	5	22	22	69	132
2024	15	4	55	32	73	179
2025	14	11	51	21	60	157

ASB - STREET DRINKING						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	1	1	4	3	1	10
2022	1	0	3	1	8	13
2023	6	0	3	2	10	21
2024	2	1	1	2	8	14
2025	0	0	1	1	3	5