



Licensing Act 2003 – Temporary Event Objection Notice (Section 104 Licensing Act 2003)

Details of person or body making objection	
Your Name:	Pc 642 Gina McConville
Your Address:	Lincolnshire Police Alcohol Licensing Department Police Headquarters Deepdale Lane Nettleham LN2 2LT

Details of premises objection is about	
Name of Premises:	Express Pizza Kebab
Address of Premises:	168 Trinity Street Gainsborough DN21 1JW

Prevention of Crime and Disorder	x
Public Safety	x
Prevention of Public Nuisance	x
Protecting Children from Harm	

Please summarise your concerns about this application:
This objection relates to a temporary event notice for the licensable activity of late-night refreshment, between the hours of 2300-0200, on Thursday 01/01/26, Friday 02/01/26 and Saturday 03/01/26. This temporary event notice is one of 6 where the intention is to operate a late-night refreshment premises in the lead up to and over the Christmas and New Year period. Lincolnshire Police had no consultation with the notice giver, Mr Yesil, prior to receiving the notice. Following receipt of the notice, Lincolnshire Police contacted Mr Yesil and spoke with him over the phone. He explained that he has not bought the business that operates from 168 Trinity Street. He is interested in buying it and wanted to trial it first.

Mr Yesil has no previous experience running a late-night refreshment premises.

The very nature of the Licensing Act 2003 and what activities require licensing is based around risk and the effect those activities have on the 4 licensing objectives. Late night refreshment is one of those activities as it's acknowledged there is an increased risk selling hot food and drinks between the hours of 2300hrs and 0500hrs. Crime statistics shows this risk increases further at weekends. This risk can be partially mitigated with enforceable conditions. However, for a temporary event notice these conditions can only be added if there is a premises licence in place with suitable conditions. 168 Trinity Street does not have a premises licence in place and therefore no conditions can be added to this temporary event notice, even at hearing. Enforceable CCTV conditions should be considered as vital for any late-night refreshment premises, especially over the festive period.

168 Trinity Street has a chequered past with regards to licensing, with previous breaches of premises licence conditions and COVID regulations, which resulted in the premises licence being revoked in 2020. There then followed a period of unauthorised licensable activity by operating after hours, which was investigated by the Council Licensing Department. A premises licence application for late night refreshment was refused in June 2025.

Checks need to be made in relation to Mr Yesil and the current running of the premises. The 3 days in which Police must object to a temporary event notice is not enough time to research, send requests for information and get information back from checks made with other responsible authorities. Therefore, there is a risk to the licensing objectives due to the previous criminal activity, and those risks remain until the checks are completed.

Mr Yesil can trial the business up to 2300hrs, and he is able to do his research and see how other businesses with premises licences operate past 2300hrs and what footfall they get.

There are no enforceable conditions that can even partially mitigate the risk of the licensable activity being applied for and without adequate time to research the notice giver, the previous risk to the licensing objectives, which involved a revocation, and a licence refusal, remains due to the past history at the premises. Therefore, the risk to the licensing objectives is present, it cannot be mitigated against, and it is necessary to object to this temporary event notice and request refusal, so that the licensing objectives are not undermined.

Lincolnshire Police appreciate this may be a completely new business operator, not involved with the premises previously, keen to open and make the business a success. It is possible that Mr Yesil was unaware of the previous history and may now understand why this objection, and subsequent objections to their temporary event notices are necessary to protect the licensing objectives until such checks are made and suitable enforceable conditions are in operation alongside the licensable activity requested.

Lincolnshire Police request that Mr Yesil consider withdrawing this and any subsequent temporary event notices, which will require a hearing. Should he decide to buy the

business, he can apply for a premises licence, so that the full 28 consultation period that comes with that application can be used for background checks and suitable conditions can be consulted on and added to the premises licence, for a safer Gainsborough.

Relevant Revised Guidance issued under Section 182 of the Licensing Act 2003

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 3.21, The provision of late-night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate.

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,... 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.

Section 11.26 (in relation to reviews but deemed relevant)....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.

Relevant West Lindsey District Council Statement of Licensing Policy 2020

5.3.4 When addressing the issue of prevention of public nuisance, applicants are encouraged to demonstrate that those factors that impact on the likelihood of public

nuisance have been considered. These may include: · The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship · The hours of opening, particularly between 23.00 and 07.00 · The impact of service vehicles, particularly outside of business operating hours. e.g. delivery vehicles, waste and bottle collection etc.

5.1.1 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 take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.

5.1.2 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 Page 15 of 40 exercise its functions with due regard to the likely effect of the exercise of those functions on, and do all it reasonably can to prevent, crime and disorder in the District.

5.1.4 Examples of measures the Licensing Authority encourage applicants to consider and address include • Measures agreed with the Police to reduce crime and disorder

5.1.5 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.

5.3.1 Licensed premises have a significant potential to impact adversely 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.

5.3.2 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.

5.3.5 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: · Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly, · Provision of CCTV,

8.6.1 With regard to the premises providing late night refreshment for consumption off the premises the Licensing Authority will (on receipt of relevant representations) carefully consider the level of nuisance likely to be caused by way of noise and litter/food refuse

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