



Report To: Committee of the Licensing Authority

Date: 09 September 2025

Subject: Licensing Act 2003 Draft Statement of Licensing Policy

Purpose: To review responses to public consultation

Key Decision: No

Portfolio Holder: Councillor Anthony Casson

Report Of: Christian Allen – Assistant Director - Regulatory

Report Author: Anna McDowell - Licensing Team Leader

Ward(s) Affected: Not applicable

Exempt Report: No

Summary

This report provides information about the responses received following the consultation on the proposed Licensing Act 2003 Draft Statement of Licensing Policy.

Recommendations

It is recommended that the Committee consider the responses and any recommended amendments and approve the proposed policy for referral to Council for adoption and publication.

Reasons for Recommendations

To ensure that the Committee considers and gives appropriate weight to consultation responses prior to approving a Statement of Licensing Policy for consideration by Council. In doing so the Council will be upholding their statutory duty to consult on and publish a statement of Licensing Policy every five years.

Other Options Considered

The Committee of the Licensing Authority resolve not to approve the Statement of Licensing Policy.

1. Background

- 1.1 The Committee of the Licensing Authority convened on 22 May 2025 to consider a draft Statement of Licensing Policy which sets out the principles which the Council will apply when accepting applications, inspecting premises, making decisions on applications, and exercising its' statutory duty in the monitoring of licensed premises.
- 1.2 At the meeting, members requested that guidance and a recommendation be added to paragraph 4.2 in respect of visibility into premises.
- 1.3 The Committee determined to commence consultation and invite representation on the proposed policy, with any comments being referred to a future meeting of the Committee of the Licensing Authority for consideration.

2. Report

- 2.1 Consultation commenced on 02 June 2025 and ran for eight weeks with stakeholders and the general public invited to submit comments. At the close of the consultation period, one response was received from Lincolnshire Police. Consultation was also carried out at the SHDC Policy Development Panel on 24th June where feedback was received. Copies of those comments are attached at **appendix 1**.

2.1.1 Responses

- 2.1.1 At the meeting of the South Holland District Council Policy Development Panel held on 24 June 2025 members queried the level of visibility into premises and debated the suggested 50 per cent of window space that should remain unobstructed. The Business Frontage Task Group had debated this issue and felt that a maximum of 30 per cent of window space be covered.

In respect of this matter the following wording has been drafted for the Committee's consideration:

"Ensuring that at least 70% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises, to allow responsible authorities to be able to monitor to ensure that the licensing objectives are not being compromised."

- 2.1.2 Lincolnshire Police have also submitted comments. The full content of the Police's feedback is attached. However, in summary they have asked for consideration to be given to:

- Inclusion of additional wording in relation to the Immigration Act 2016. The suggested inclusion reflects the wording of policies at both Boston Borough Council and Lincoln City Council and acknowledges the legal requirements relating to the entitlement to work for applicants, and the importance of preventing

illegal working in licensed premises. It has also been requested that the Immigration Act is included in the list of “other legislation detailed at Section 3.7 of the policy.

- A request that South Holland District Council considers developing and publishing a pool of conditions for applicant’s to access, along with added wording to the policy to encourage applicants to have regard to this document when considering steps that would be appropriate for the promotion of the licensing objectives. The suggested wording recommends the use of a fixed number of conditions. However, it is considered that this number should not be set in policy to ensure appropriate use of conditions which relate to each application based on its own merits. It is not recommended that the pool of conditions be added to the policy as an appendix but be provided as a stand-alone document to ensure it can be easily updated or amended without the need for a policy review. An example of how the pool of conditions could look is attached at **appendix 2**.
- A request that the condition relating to window obscuration at paragraph 4.2 be amended to state that windows are 75% free from obstruction. If the committee are minded to amend this condition it will also be reflected within the PSPO section at 5.10.
- The addition of a condition under section 5.10 relating to premises within the Public Space Protection Order, to recommend that premises selling alcohol for consumption off the premises provide waterproof labelling detailing the premises name and address on cans and bottles of beer, lager, and cider, or all alcohol sold.
- The addition of paragraphs to section 9.3 relating to the review of licences where there is evidence of criminal activity which falls outside of the direct remit of the Licensing Act 2003. It requests statements that the Licensing Authority will take a serious view of criminal activity and strongly consider revocation where certain illegal activities are evidenced, for example, sale of illegal drugs and medications, organised crime activity, sale of illicit goods, immigration offences, and sale of alcohol to minors.

2.1.3 An amended version of the Statement of Licensing Policy has been prepared with the consultation responses included and highlighted in green for ease of reference. However, this is for the consideration of the Committee and may be amended as required before submission to Council. A copy can be viewed at **appendix 3**.

3. Conclusion

3.1 There is a statutory requirement to review the Licensing Act 2003 Statement of Licensing Policy every five years, and this must be completed by January 2026.

3.2 Consultation has been carried out in accordance with the requirements of the Act and consultation responses have been put before the Committee for consideration.

3.3 Adoption of the Statement of Licensing Policy is a council function which cannot be delegated to cabinet or a committee and therefore the committee is requested to recommend the final draft policy be presented to Council for adoption.

Implications

South and East Lincolnshire Councils Partnership

This is a sovereign Council policy to reflect local considerations, however it has been drafted in accordance with legislation and statutory guidance and therefore is broadly similar to the policies of Boston Borough Council and East Lindsey District Council.

Corporate Priorities

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

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

The constitutional and legal implications are contained within the report

Data Protection

None

Financial

None

Risk Management

None

Stakeholder / Consultation / Timescales

Consultation has been carried out as detailed in the report

Reputation

Failure to adopt and publish the Statement of Licensing Policy by the statutory deadline could be reputationally damaging to the Council.

Contracts

None

Crime and Disorder

The policy is required to assist decision making designed to promote the licensing objectives. The prevention of Crime and Disorder is one of the licensing objectives.

Equality and Diversity / Human Rights / Safeguarding

The Human Rights of all relevant parties have been considered in the drafting of the policy and the implementation of all procedures in place to administer and enforce the requirements of the Act.

Health and Wellbeing

None

Climate Change and Environmental Impact Assessment

None

Acronyms

None

Appendices

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

Appendix 1	Consultation responses
Appendix 2	Suggested pool of conditions
Appendix 3	Amended Statement of Licensing Policy

Background Papers

None

Chronological History of this Report

A report on this item was considered by the Committee of the Licensing Authority on 22 May 2025.

The matter was considered by Policy Development Panel on 24 June 2025

Report Approval

Report author:	Anna M ^c Dowell – anna.mcdowell@boston.gov.uk
Signed off by:	Christian Allen – christian.allen@boston.gov.uk
Approved for publication:	Councillor Casson – Anthony.Casson@sholland.gov.uk