

Minutes of a meeting of the **POLICY DEVELOPMENT PANEL** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Tuesday, 24 June 2025 at 6.30 pm.

PRESENT

A R Woolf (Chairman)
L J Eldridge (Vice-Chairman)

A C Beal
M Geaney
R A Gibson

A Harrison
J L Reynolds
J Le Sage

J Whitbourn

In Attendance: The Assistant Director - Communities and Housing Services, the Assistant Director - Regulatory, the Assistant Director - Corporate *virtual*, the Business Intelligence and Change Manager, the Public Protection Manager, the Community Safety Manager, the Licensing Team Leader, the Group Manager - Organisational Development, the HR Manager - Operations, the Portfolio Holder for Public Protection and the Democratic Services Officer.

Apologies for absence were received from or on behalf of Councillors J Avery, P Barnes, M Hasan and M Le Sage

13. **MINUTES**

AGREED:

[Redacted text]

14. **ACTIONS**

[Redacted text]

AGREED:

That the update regarding actions be noted.

15. **DECLARATION OF INTERESTS.**

There were none

16. **QUESTIONS ASKED UNDER STANDING ORDER 6**

There were none.

Action By

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[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

AGREED:

[REDACTED]

21. LICENSING ACT 2003 DRAFT STATEMENT OF LICENSING POLICY

Consideration was given to the report of the Assistant Director – Regulatory which asked the Policy Development Panel to consider the draft Statement of Licensing Policy as part of the consultation process.

The Public Protection Manager, the Licensing Team Leader and the Portfolio Holder for Public Protection were in attendance for this item.

The Public Protection Manager introduced the report to members. The Policy Development Panel was being consulted as part of the open consultation process.

Proposed material changes to the existing policy were summarised at point 2.1.2 of the covering report.

The Draft Statement of Licensing Policy 2025-2030 was at Appendix 1 which included details of the following areas:

- Introduction and the South Holland District;
- Background, including the purpose and scope of the Licensing Policy;

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- The integration of other guidance, policies and legislation;
- Promotion of Licensing objectives;
- General Licensing principles;
- Applications;
- Cumulative impact;
- Sexual entertainment venues;
- Enforcement reviews, closure orders and appeals,
- Information regarding the following areas was appended to the document:
 - Delegation of functions;
 - Responsible authorities; and
 - Public Space Protection Order (PSPO).

Members considered the report and made the following comments:

- 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. Supplementary guidance was needed for businesses and to ensure consistent working methods across council departments.
 - The Public Protection Manager responded that:
 - The policy applied solely to licenced premises;
 - The policy conditions could not be retrospectively applied to established licenced businesses but could be considered where a licence review was being undertaken;
 - New businesses would be encouraged to include policy aspects within their operating schedules and therefore leading to inclusion within licence conditions; and
 - Enforcement could only relate to a licensing objective, such as prevention of crime and disorder, and be in connection with a licensing activity.
 - The Licensing Team Leader added that the purpose of the advisory notice in respect of window visibility was to act as a mechanism for the police should any representation to a licence application need to be reinforced. The role of Licensing was not to provide specifications to businesses for reasons of aesthetics.
 - The Portfolio Holder for Public Protection added that the requirement to ensure a clear view into

South Holland Statement of Licensing Policy Review
Lincolnshire Police Alcohol Licensing Team

Section 3.4 – Immigration Act 2016

We would request that the immigration section be updated. The below wording is taken from the Boston Borough Council policy, and it is also in the City of Lincoln Policy and provided as an example.

9.6 Immigration Act 2016 – Entitlement to work

9.6.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

9.6.2 The commencement of the Immigration Act 2016 made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.

9.6.3 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

9.6.4 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.

9.6.5 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The licensing authority will work in partnership with the Home Office (Immigration Enforcement) and Lincolnshire Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late-night refreshment.

9.6.6 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

Section 3.7 – Other Legislation

We would request that the Immigration Act 2016 is included under the list of legislation.

Section 4.1 – Promotion of the Licensing Objectives

We would request the consideration that the licensing authority develop a pool of conditions which a licence applicant can access and include something in the policy in relation to that. The below is taken from the City of Lincoln Policy as an example.

8.6 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 section 182 guidance when formulating their operating schedules.

8.7 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. This Authority's pool of model conditions has been produced to assist prospective licence holders where they consider that 24 conditions from the pool would promote the licensing objectives in the circumstances of their application.

8.8 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) it considers appropriate for the promotion of the licensing objectives

Section 4.2 – Prevention of Crime and Disorder

The draft policy has a proposed new section:-

- Ensuring that at least 50% of the windows into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.

We would request this is increased to 75% to keep it in line with the licences we have recently negotiated.

Section 5.9 Public Space Protection Order

Under this section there is a list of measures which would be expected. We would request that the additions of the 2 measures below to keep this in line with section 4.2:

-Attaching waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider (or all alcohol sold)

-Ensuring that at least 75% of the windows into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.

Section 9.3 – Review of Licences

Within the section regarding reviews of licences we would request a section about criminal activity being taken particularly seriously. The below is taken from the City of Lincoln Policy as an example.

Criminal Activity

10.3 There is certain criminal activity that may arise in connection with licensed premises which this authority acknowledges should be treated particularly seriously. The below list is not exhaustive but examples being the use of the licensed premises:

- for the sale and distribution of illegal drugs/medicines.*
- as the base for the organisation of criminal activity, particularly by gangs.*
- for employing a person who is disqualified from that work by reason of their immigration status in the UK*
- for the sale and storage of illegal, counterfeit, contraband or stolen goods. E.g. tobacco, alcohol and vapes/e-cigarettes.*
- persistently sales of alcohol to minors.*

10.4 This policy stresses that revocation of the licence – even in the first instance – will be seriously considered where reviews arise due to the crime prevention objective being undermined through the premises being used to further crimes.

10.5 This Authority acknowledges that persistent sales of alcohol to children should be treated seriously. Where it can be demonstrated that those managing the premises do not operate appropriate policies or have not exercised appropriate due diligence then revocation will be considered.