



Public Document Pack  
**Boston Borough Council**

**Chief Executive  
Rob Barlow**

Municipal Buildings  
Boston  
Lincolnshire PE21 8QR  
Tel: 01205 314200

Friday 31 October 2025

**Notice of meeting of the Full Council**

Dear Councillor

You are invited to attend a meeting of the Full Council  
on **Monday 10th November 2025 at 6.30 pm**  
in the Council Chamber - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow  
Chief Executive**

**Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.**

**This meeting may be subject to being recorded.**

**Agenda**

**Part I - Preliminaries**

**A. Apologies for Absence**

To receive apologies for absence.

**B. Declarations of Interest**

**C. Minutes**

(Pages 1 - 22)

**D. Communications**

**E. Deputations and Petitions**

**F. Questions from Elected Members**

**G. Questions from Members of the Public**

## **Part II - Agenda Items**

### **1 Draft Audit & Governance Committee Minutes (Pages 23 - 30)**

To receive the draft Minutes from the meeting held on 13<sup>th</sup> October 2025.

### **2 Democratic Arrangements - Allocation of Seats Review and Appointments to Outside Bodies 2025/26 (Pages 31 - 36)**

(A report by John Medler, Assistant Director – Governance & Monitoring Officer)

### **3 Review of HR Policies (Pages 37 - 66)**

(A report by James Gilbert, Assistant Director – Corporate)

### **4 Licensing Act 2003 - Statement of Licensing Policy (Pages 67 - 118)**

(A report by Christian Allen, Assistant Director – Regulatory)

## **Part III - Motions on Notice**

To consider the following motions in accordance with procedure rule 14:

### **1 Community Governance Review Working Group Membership**

***To change the membership of the community governance review working group***

***The Council notes the important role of the community governance review working group in shaping the future of local governance arrangements within the Borough.***

***In the interests of ensuring broader representation and participation the council resolves to;***

***A.) Increase the number of members on the community governance review working group from 5 to 7 elected members and***

***B.) Appoint the following members to the community governance review working group***

***Mike Gilbert***

***Paul Gleeson***

***Barrie Pierpoint***

***Anton Dani***

***Suzanne Welberry***

***Stephen Woodliffe***

***Andy Izard***

***Proposer: Suzanne Welberry***

***Seconder: Andy Izard***

**Questions from Members of the Council and the public must be received by 5 p.m. two clear working days prior to the day of the meeting – the deadline for this meeting is 5 p.m. on Wednesday 5<sup>th</sup> November 2025.**

**Notes:**

Please contact Democratic Services ([demservices@boston.gov.uk](mailto:demservices@boston.gov.uk)) if you have any queries about the agenda and documents for this meeting.

Council Members who are not able to attend the meeting should notify Democratic Services as soon as possible.

**Alternative Versions**

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please telephone 01205 314591.

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## Boston Borough Council

Minutes of a meeting of the **Full Council** held in the Council Chamber - Municipal Buildings, West Street, Boston, PE21 8QR on Monday 29th September 2025 at 6.30 pm.

### **Present:**

The Mayor Councillor Barrie Pierpoint, in the Chair.

Councillors Patricia Marson (Deputy Mayor), Alison Austin, Richard Austin BEM, John Baxter, Peter Bedford, David Brown, Dale Broughton, Callum Butler, James Cantwell, Emma Cresswell, Anton Dani, Anne Dorrian, Neil Drayton, Stuart Evans, Sandeep Ghosh, Mike Gilbert, Paul Gleeson, Andy Izard, David Middleton, Chris Mountain, Jonathan Noble, Claire Rylott, Lina Savickiene, David Scoot, Sarah Sharpe, Helen Staples, Suzanne Welberry and Stephen Woodliffe.

### **Officers:**

Chief Executive, Assistant Director - Governance and Monitoring Officer, Interim Finance Director and S151 Officer, Legal Advisor, Democratic Services Officer and Democratic Services Officer.

### **31 Apologies for Absence**

Apologies for absence were received from Councillor Ralph Pryke.

### **32 Declarations of Interest**

No declarations of interest were received.

### **33 Minutes**

The Minutes of the Full Council meeting on 21<sup>st</sup> July 2025 were agreed and signed by the Mayor.

### **34 Communications**

The Chief Executive confirmed that no communications had been received.

### **35 Deputations and Petitions**

The Chief Executive confirmed that no deputations or petitions had been received.

### **36 Questions from Elected Members**

The Chief Executive advised that the following questions had been received:

#### **1. Question to Councillor Dale Broughton from Councillor Jonathan Noble:**

As a local politician who presumably supports openness and transparency in local government affairs, why did you think it appropriate to vote for a secret vote on the proposed allowance increases for Boston Borough Councillors at January's Full Council meeting?

**Response from Councillor Dale Broughton:**

May I thank Cllr Noble for his question. This decision doesn't pertain to my role as Leader. The full Council considered this matter in a public meeting and voted via a paper ballot which is a permitted form of voting within the Council's constitution.

**Supplementary question from Councillor Jonathan Noble to Councillor Dale Broughton:**

Mr Mayor, I think the Councillor's response was really an exercise in semantics because he talks in his response about a paper ballot. This is, in effect, a secret vote and no doubt it was made a secret vote because some councillors didn't want their local citizens to know how they voted., Which brings me on to the second part of it, which is of course, it was all about allowances. Now, there was an Independent Panel that made certain recommendations as to allowances. I think there was an amendment put forward by Councillor Woodliffe which was accepted.

And so as a result of that we had an allowance increase for ordinary members of 25%, but there were some more incredible increases in allowances, for example, Councillor Broughton, then Deputy Leader of Boston Independents, saw a 49% increase in his allowance to £12,500 plus the basic allowance.

So I'm just asking, given that in Boston you know we are a town where there's high rents and there's low wages and there's exorbitant energy costs, how does Councillor Broughton justify this massive increase in allowances, given that the inflation rate at the time of the vote was about 3 or 4%. Thank you.

**Supplementary response from Councillor Dale Broughton:**

I would like to thank Councillor Noble for his supplementary. As I stated previously Councillor Noble, this was a Council decision, a Full Council decision. You seem to be assuming it was me who made all these decisions and it wasn't.

Everybody took a vote on it, so therefore I don't see why you're actually trying to say it was me who actually put these increases in. So, that's as much as I can say. Thank you.

**2. Question to Councillor Dale Broughton from Councillor Jonathan Noble:**

Why did it take so long for Boston Borough Council to support East Lindsey District Council's and South Holland District Council's proposal for a Southern Lincolnshire Unitary Council, given that they are our partner councils?

**Response from Councillor Dale Broughton:**

A position was taken in March that the Council should consider what proposals were being developed for Greater Lincolnshire before deciding how it wished to position itself. Very quickly after becoming Leader, with Cabinet, we took a decision that the strongest proposal is 'A Greater Lincolnshire for All', which proposes a Northern and Southern Unitary Council. We are actively engaged with our partners at SHDC and ELDC to ensure we have a robust submission to government for 28 November.

**Supplementary question from Councillor Jonathan Noble to Councillor Dale Broughton:**

Obviously, this is all about devolution but in fact it seems to be an accretion of power to a higher authority. You see we have a current system that seems to work which is Parish Councils, Borough Councils and County Councils. Now all kind of claims have been made about this new entity when it comes into, that it'll be better value for money, better value for services, but I question is there not going to be a democratic deficit for people of Boston, because at the moment we have fairly small electoral wards and people can fairly easily access the councillors. If this all goes through, we're going to have bigger electoral divisions and it's going to be harder, I think, for people to get information. It talks about decision making remaining close to the local communities.

Do you think that the whole thing is going to be a massive success or do you agree with me, perhaps there's going to be a democratic deficit for local people in terms of getting their information, thank you.

**Supplementary response from Councillor Dale Broughton:**

Thank you, Councillor Noble. Again, our 'A Greater Lincolnshire for All' proposal has been all across the county. We've explained what our proposal is.

We've come to the conclusion, rather than going against it, we've got to embrace it and try and get the best for our residents. And, again, we've still got another three roadshows to go. Our proposal I believe is the best for our residents of the Borough and I will believe that until the Government decides which one to choose.

**3. Question to Councillor Sandeep Ghosh from Councillor Jonathan Noble:**

Why is there a forecast Revenue position overspend of £829,000 for the financial year 2025-26?

**Response from Councillor Sandeep Ghosh:**

Thank you for your question.

The overspend reported at Q1 for BBC was due to shortfalls in achieving targeted salary efficiencies and lower than expected income from Bereavement services. These shortfalls are partially mitigated by savings from Senior Leadership Officer posts, higher than anticipated investment income and additional grant funding. Further, the Council has made arrangements to seek improvement in this position through identifying opportunities for further efficiencies and actively engaging with Service Managers to take this forward.

This report is available at the following link should the enquirer wish to review the matter in greater detail.

[https://democracy.boston.gov.uk/ieListDocuments.aspx?CId=130&MId=22\\_90&Ver=4](https://democracy.boston.gov.uk/ieListDocuments.aspx?CId=130&MId=22_90&Ver=4)

Please see Table 1 of the Revenue Finance report

(<https://democracy.boston.gov.uk/documents/s23866/Appendix%20A%20-%20BBC%20Q1%20Finance%20Revenue%20Report%202025-26.pdf>), which outlines the specific variances along with the appropriate figures.

As is usual in Boston the Efficiency Target identified as part of the process to balance the Budget is set to reduce progressively throughout the financial year. In order to assure that progress continues to be made at officer level a new Transformation monitoring process has been created to oversee this journey in 2025/26 and 2026/27. Further progress will be reported through the quarterly financial monitoring process.

**Supplementary question from Councillor Jonathan Noble to Councillor Sandeep Ghosh:**

Thank you, Councillor Ghosh, for a very comprehensive answer. You did refer at the beginning of your statement or your response to shortfalls in achieving targeted salary efficiencies and lower than expected income from bereavement services.

Now, bereavement services used to be a very good earner for this Council. I know it's not a statutory obligation, but we did provide it. So, I wonder why there's this sudden decline in bereavement services' income. If you could answer that please and also why we failed to meet our salary efficiency targets? If you don't know I would be happy to have a written response later.

**Supplementary response from Councillor Sandeep Ghosh:**

Regarding the bereavement services, it's an historically set budget. So, I already discussed with the managers, they have to learn from the historical data and they have to come up with the new budget, really, which considers the wrong way budget set previously it should be corrected this time.

Regarding the next one you said was the salary efficiencies. Every budget manager has to consider the timing of the recruitment, so that needs to be considered. It's just the Quarter One, still more three quarters to go. We will get to know how much we can save. It's really an estimation, really, we don't know yet. Thank you.

**4. Question to Councillor Claire Rylott from Councillor Jonathan Noble:**

Given that Boston Borough's contribution to global warming is so infinitesimal as to be immeasurable, why does Boston Borough Council have a Net Zero target of 2040?

**Response from Councillor Claire Rylott:**

As a country, the UK Government has set legally binding commitment to be Net Zero by 2050. Whilst Boston Borough Council's carbon footprint from its own operations is relatively modest, as a local authority we are uniquely positioned to lead by example and foster positive relationships within the wider community to educate, guide and implement some of the changes required to reduce carbon emissions across the Borough. That sphere of influence is wide ranging and covers local infrastructure, planning, housing and economic development amongst many other areas.

The Council takes a balanced and pragmatic approach to identifying opportunities to reduce our carbon emissions in a way that leads to multiple other benefits being realised including long term financial savings, improved health and wellbeing and reduced waste. The decision to set Boston Borough Council's Net Zero target at 2040 was based on



science-based targets linked to the Carbon Budget which demonstrates that the level of emissions required to keep global temperatures below an increase of 1.5 degrees would be exceeded within the Borough by 2042 unless emissions are reduced.

**Supplementary question from Councillor Jonathan Noble to Councillor Claire Rylott:**

Well, given that response it's very clear that this Council, or the Cabinet anyway, supports the net zero target. Now my point is this - we have electricity costs in this country which are the highest in the Western world, our costs are a third higher than they are in Germany.

Therefore, because of net zero and green energy subsidies, we are paying exorbitant electricity prices. So, my question to Councillor Rylott, do you think that that is a price worth paying in order to get to a notional net zero target of 2040. Thank you.

**Supplementary response from Councillor Claire Rylott:**

Just recently, the Royal Yacht Association announced they would prefer us not to use the old saying "man overboard". We should now say "person in the water". By my recollection, Councillor Noble, the next time you jump ship, it could be third time lucky. I wonder which political party will be top of the polls then.

I will respond to the supplementary question in writing.

*[A copy of the written response is appended to the Minutes.]*

**5. Question to Councillor Dale Broughton from Councillor Jonathan Noble:**

Does Boston Borough Council support the flying of English flags on certain lamp posts in the town, thus allowing local citizens to demonstrate their patriotism?

**Response from Councillor Dale Broughton:**

As Leader of this Council, I have and will continue to support the appropriate flying of various national flags to mark, commemorate and celebrate a whole host of local, national and international events, including the flying of the English Flag and the Union Jack. What I do not support is any form of graffiti being sprayed or painted on anything or flags being attached to monuments or heritage assets that are not purposely designed to have them attached because of the risk of damage being caused; I also hope that this Council does not begin to see any complaints land with it about the state any flags, that have been put up recently as a display of the patriotism you suggest, could fall into as they weather and may begin to degrade.

**Supplementary question from Councillor Jonathan Noble to Councillor Dale Broughton:**

Yes, I think Councillor Broughton's answer goes beyond his brief because I only asked about flags on lamp posts. I wasn't talking about any flags on monuments or anything like that but the key point is this - some people apparently have suggested that this is an example of vandalism and thuggery having these flags flying.

So, my question to Councillor Broughton is this, do you think that these flags on lamp posts - are they an appropriate form of celebration or not? And if not, is your group seeking to have these flags taken down, given that they're on LCC property? Thank you.

**Supplementary response from Councillor Dale Broughton:**

I responded to the last question, Councillor Noble.

I will continue to support the appropriate flying of various national flags to mark, commemorate and celebrate a whole host of local, national and international events, just not done on heritage assets, which should not be used for putting flags on.

**6. Question to Councillor Dale Broughton from Councillor Richard Austin:**

The Great Exhibition of Lincolnshire is due to be staged on 22nd October 2025 at the Lincolnshire Show Ground.

The purpose of this event is to showcase the best of Lincolnshire, attract investment, and celebrate the County's industry and innovation.

I understand that the stands are by invitation and that they are now at capacity.

Please can you tell the Council which companies, based in this Borough, have accepted the invitation to exhibit at this prestigious event?

**Response from Councillor Dale Broughton:**

Many thanks for the question.

The Great of Exhibition of Lincolnshire is planned for 22nd October. It is being arranged by the Greater Lincolnshire County Combined Authority, but officers and members from Boston Borough Council (and the wider SELCP) will be attending the event to meet with those in attendance, including those with an investment interest in the area. The Borough Council is actively promoting the event to local businesses, and it is hoped many local businesses will also join on the day as delegates.

In terms of exhibitors, the Combined Authority have invited a number of Boston based businesses to showcase their business at the event. At the time of writing the combined authority was working with those businesses to confirm their attendance. For any business considering attending, we would warmly welcome their involvement and hope to meet them there.

**Supplementary question from Councillor Richard Austin to Councillor Dale Broughton:**

It is a big disappointment that the event does not give opportunity for the great anniversary of 2030 and the foundation of Boston, Massachusetts. It ought to be showcased at this event as it has a big potential to increase the economy of a substantial area of Lincolnshire.

Please can you ensure that this doesn't happen next year.

**Supplementary response from Councillor Dale Broughton:**

Thank you, Councillor Austin. I'll make a note of that and pass it on.

**7. Question to Councillor Barrie Pierpoint from Councillor Anne Dorrian:**

Please provide a list of all Mayoral duties which you have attended to between the dates of 21<sup>st</sup> July 2025 until 24<sup>th</sup> September 2025.

**Response from Councillor Barrie Pierpoint:**

Between 21<sup>st</sup> July and 24<sup>th</sup> September 2025, I have attended 29 mayoral engagements across the Borough. A copy of those details will be available for Councillor Dorrian to collect at the end of the meeting and also for anyone else who wishes to see a copy.

*[The A list of Mayoral Duties is appended to the Minutes.]*

**Supplementary question from Councillor Anne Dorrian to Councillor Barrie Pierpoint:**

Are you going to abuse any women when you're on mayoral duties, Is my question?

**Supplementary Response from Councillor Barrie Pierpoint:**

I've never abused any women in my mayoral duties and I take exception to that remark. Thank you.

Let me just respond to something else about mayoral duties for your information. I was amazed and overwhelmed by your interest in my Mayoral role and duties, becoming the Mayor of Boston and Admiral of the Wash. Considering that you have never spoken to me since I took the appointment up to ask me how I was getting on. Nor showing any interest in whatsoever from.

**8. Question to Councillor Dale Broughton from Councillor David Middleton:**

With regard to your portfolio duties relating to community safety, please provide council with an update on the appointment of the two Community Safety Officers and their duties.

**Response from Councillor Dale Broughton:**

Thank you for your question.

Two Community Safety Officers have now been appointed and commenced their duties in August.

Their main job purpose is to work mainly within Boston Town Centre, but any area within the wider Borough to tackle persistent anti-social behaviour, creating safer, more cohesive communities through enforcement, education and increased awareness.

Some of their key duties:

- a) To carry out uniformed patrols as identified by the Safer Communities and Anti Social Behaviour (ASB) Team in consultation with Lincolnshire Police and other partners, providing a visible and reassuring presence to deter crime and anti-social behaviour. The role includes some evenings during the week and working at the weekend.
- b) To offer targeted support to vulnerable members of the community, responding to their needs and referring to other agencies when required.
- c) To work with all residents and businesses to promote and encourage community integration and social inclusion, reducing the fear of crime by establishing trust.
- d) Be responsible for recording incidents / actions within a PACE note book and then transfer onto the ASB Database system (called E-CINS), reporting and investigating activities and allegations of nuisance behaviour, reporting back to residents (with the support of the ASB Officer) with progress and outcomes of investigations.
- e) Encourage residents to report anti-social behaviour / crime and signpost them on how to do so.
- f) To be alert to and report back on any incidents of fly-tipping, littering, graffiti, and acts of vandalism.
- g) Ensure compliance with the Public Spaces Protection Order (Alcohol) within Boston Town Centre, issuing Fixed Penalty Notices for any breach of the conditions set out within legislation and/or reporting back to the ASB Officer any matters dealt with that fits in within the recognised incremental approach for the PSPO (Alcohol).
- h) To act as a professional witness, prepare evidence and appear in court as required.
- i) Work with the wider Communities Team on community engagement activities and events to build trust, utilising opportunities to speak to residents / businesses and partners and promote key messages.
- j) Work closely with Lincolnshire Police and other partners, including businesses on ShopWatch and Pubwatch.

As the CSOs have only just commenced their duties, I will be reviewing their work regularly at my Portfolio Meetings with Safer Communities Team throughout the next year.

**Supplementary question from Councillor David Middleton to Councillor Dale Broughton:**

A very comprehensive answer – thank you.

With regard to the press release which announced the arrival of these Community Safety Officers, local residents could be forgiven for reaching the conclusion that these posts had been funded by Boston Borough Council when that is not the case. Now we know that this

initiative was entirely developed by Councillor Dorrian but given that we've all gotten used to you riding on her coattails, it's not surprising you didn't give her any credit at all.

What is unforgivable though is the fact that you failed to acknowledge the Boston Town Board, because it was they who contributed £100,000 to the project following negotiations with the previous Leader. It is completely unacceptable that you would treat one of our valued partner organisations with such contempt. Could you find it in your way please to apologise to the Town Board?

**Supplementary response from Councillor Dale Broughton:**

This has been addressed. This has been addressed to the Town Board and once again Councillor Dorrian - was she the only one on the Council when all this was done? Obviously not.

**9. Question to Councillor Helen Staples from Councillor Anne Dorrian:**

Cllr Cresswell will be an extremely hard act for you to follow and many people, including me, believe that she was unfairly sacked for honouring her election pledge and refusing to join your new gang. Please provide commentary on the approach you will take to ensure the effective delivery of your portfolio duties.

**Response from Councillor Helen Staples:**

Thank you for your question.

Under Councillor Cresswell's remit, the Communities portfolio and services have established some excellent initiatives, and I hope to maintain and expand these partnerships and projects.

As an example of my new steer, last week we held a successful Autumn Days event within the Parish of Boston. I'm pleased to report that nearly 600 people came through the doors of the Stump.

I hope my experience as Mayor and work in the community will help, and the great team of staff and fellow Councillors in this chamber will support the effective delivery of my duties.

**Supplementary question from Councillor Anne Dorrian to Councillor Helen Staples:**

I was actually keen to discover if you had any sayings or mantras to give us an insight into your approach to your portfolio. You wrote to me earlier this year and I quote: "Never trust a Tory or an Austin is my mantra", and I'm curious to know how that translates now that you're in an administration with two Austin councillors and you're sitting around the Cabinet table with a Tory, perhaps both the Austins and the Tories, should take a very cautious approach in getting involved with you.

**Supplementary response from Councillor Helen Staples:**

No, I find it totally inappropriate, Councillor Dorrian and I will not answer that publicly, but I'll give you a written answer.

*[A copy of the written response is appended to the Minutes.]*

**10. Question to Councillor Dale Broughton from Councillor Emma Cresswell:**

I am sure that several weeks into your new role you will have met with the Chief Executive of PSPS on a one-to-one basis. If so, what assurances, did you give him in relation to his claim that he failed to retain staff, in part, due to the conduct of elected members? If you haven't met him yet please explain why not and please still comment on how you intend to reassure him with regard to staff retention issues.

**Response from Councillor Dale Broughton:**

Yes, I have already met with the PSPS Chief Executive. It is my intention to look forwards and work constructively with PSPS as a significant delivery partner.

It is for the PSPS Board of Directors to oversee and scrutinise staff turn-over within the Company and I have now appointed two Councillors as Directors who will be responsible for that on our behalf.

**Supplementary question from Councillor Emma Cresswell to Councillor Dale Broughton:**

I'm sure that you will agree that proper oversight of PSPS and the Board of Directors is extremely important. To add to what Councillor Noble raised earlier about the point to yourself about LGR. As a Cabinet, I think you will agree, we did not feel we could work with East Lindsey or South Holland while they removed some of our class rights on PSPS and that was part of our bargaining chip before we actually agreed.

Regarding staffing issues, as well as many other issues, the Board of directors of PSPS is really important. Councillor Rylott raised a legal matter at the last meeting of Full Council and claimed that neither you nor the rest of the Cabinet were aware of the costs incurred when you know and the rest of the Cabinet who were the last administration know that's not true. Councillor Dorrian kept all of Cabinet fully briefed. She gave us multiple packs of information to do with PSPS and sought support and guidance from us on at least three Cabinet meetings. I would like to know who gave you authority or why you discussed a confidential legal matter with the opposition instead of going through the deputy monitoring officer?

Councillor Rylott raised a point of order to clarify that the information being referred to did not originate from any Cabinet Member, but was provided by an external source.

**Supplementary response from Councillor Dale Broughton:**

I didn't quite catch all your question, Councillor Cresswell, but I'm happy to give you a written response.

*[A copy of the written response is appended to the Minutes.]*

**11. Question to Councillor Callum Butler from Councillor Anne Dorrian:**

Please provide council with a brief update of your portfolio work with a specific reference to current staffing arrangements.

**Response from Councillor Callum Butler:**

My Portfolio Holder work is described in our Annual Delivery Plan. It's a very busy year as we plan for food waste collections. We employ our staff directly, supported by agency workers and operate under a management structure operated within our partnership arrangements.

**Supplementary question from Councillor Anne Dorrian to Councillor Callum Butler:**

With regard to staffing, the introduction recently of the EDI policy at Cabinet was very important because this policy allows us to attract and retain diverse talent and helps to create a workforce that's better equipped to understand, engage and respond to the complex challenges of our residents.

It allows staff actually to have equality such as equal pay, maternity leave, holiday pay or being appointed on merit and not because you're part of a jolly boys' club.

The EDI policy allows us to ensure that voices and the needs of all residents are recognised and valued and in turn leads to policies and initiatives that genuinely reflect the communities they serve. A good example actually in your portfolio, Councillor Butler, would be the application of our back door bin service. For example, recently one resident suffered the indignity of this service being withdrawn simply because operatives didn't fully understand issues around disability.

So, I'd like to ask you why you voted against the introduction of the EDI policy at Cabinet, especially given the fact that you hadn't bothered to offer any contribution to the debate beforehand.

**Supplementary response from Councillor Callum Butler:**

Thank you, Councillor Dorrian, for your supplementary. I voted against the EDI policy solely because I do not agree with employing another officer, another member of staff, to do something that we should be doing anyway. Thank you.

**12. Question to Councillor Dale Broughton from Councillor Anne Dorrian:**

Please comment on the importance of elected members providing factually correct and truthful information - in line with the Nolan Principles - when discussing council business with the press, other elected members or members of the public.

**Response from Councillor Dale Broughton:**

May I thank councillor Dorrian for her question. I would agree this is important and is something we should positively support each other in, to learn and become the best Council we can going forward, which is what the majority of councillors voted in wish to do.

**Supplementary question from Councillor Anne Dorrian to Councillor Dale Broughton:**

Because sometimes the majority of elected members don't want to do what you just said and there is an egregious incident that I'm aware of and I'm sure you're aware of when Councillor Gilbert gave a direct quote to The Target on the 30th of July 2025 stating that, and I quote, "Anne Dorrian engineered a vote against me because she claimed that I made racist comments because I discussed Islam as an ideology."

You Councillor Broughton know that is factually incorrect and nothing could be further from the truth. When that issue arose you also know for a fact that rather than lead anyone to a conclusion, I emphasised the fact that all of you had to make your own choice without being led by anyone at all.

Is this willingness to allow your group to feed false information to the public the best that we can expect now?

**Supplementary response from Councillor Dale Broughton:**

Thank you, Councillor Dorrian. I am more than happy to give you with a written response.

*[A copy of the written response is appended to the Minutes.]*

**Question 13 was withdrawn by Councillor Anne Dorrian.**

**14. Question to Councillor Dale Broughton from Councillor Anne Dorrian:**

One of the most important Nolan Principles is integrity, which can be defined as "acting with honesty and according to strong, consistent moral and ethical principles, even when no-one is watching." Do you fully understand this meaning and if so, give an example of a time that you acted in this vein.

**Response from Councillor Dale Broughton:**

May I thank Councillor Dorrian for her question. It would be misguided to claim a full understanding of matters which are often subject to personal judgements. It's perhaps not about giving an example, more about endeavouring to achieve these principles each day and learn from where they challenge us.

During a supplementary question to Councillor Broughton, Councillor Dorrian did not pose a question and was advised by the Mayor to conclude her remarks. Following this, the Mayor moved, and Councillor Andy Izard seconded, that Councillor Dorrian be not heard further in accordance with Procedure Rule 25.4 of the Council's Constitution. The motion was put to the vote and was carried by a majority, without discussion.

**37 Questions from Members of the Public**

The Chief Executive confirmed that no questions had been received from members of the public.



### 38 Audit & Governance Committee Minutes

The Mayor, as Chairman of the Audit and Governance Committee, presented the draft Audit and Governance minutes from the meeting held on 7<sup>th</sup> July 2025 for councillors to note.

### 39 2024/25 Outturn Report

The Portfolio Holder for Finance and Economic Growth, Councillor Sandeep Ghosh, introduced the report which presented the Council's final outturn position for the 2024/25 financial year and sought approval for the transfer of the resulting surplus to earmarked reserves.

Members were advised that the Council had delivered a General Fund revenue surplus of £1.015 million, representing a significant improvement on the forecast position reported at Quarter 3. The surplus was attributed to a combination of disciplined cost control, delayed capital programme delivery, and higher-than-anticipated investment income.

The Portfolio Holder provided a breakdown of the key variances across service areas:

- Leisure and Culture reported the largest underspend of £398k, primarily due to the postponement of works at the leisure pool (£272k), staffing savings across events and markets, and reduced costs in shared management and museum services.
- Neighbourhoods achieved an underspend of £151k, with savings arising from a new vehicle washing contract, reduced fuel costs, and vacancies in street cleansing.
- Wellbeing and Community Leadership delivered an underspend of £195k, including savings on CCTV staffing and Bed & Breakfast provision.
- Corporate Services underspent by £84k, largely due to reduced software licensing costs.
- Economic Growth underspent by £58k, reflecting a vacancy in the inward investment officer post.
- Finance underspent by £64k, following a correction to the rent allowance provision.

It was noted that Governance and Monitoring had overspent by £105k, primarily due to increased Members' allowances. General Fund Assets also reported an overspend of £210k, driven by higher repairs and maintenance costs.

In addition to service-level variances, Members were informed that:

- Investment income exceeded expectations by £658k, due to favourable interest rates and higher cash balances resulting from capital programme slippage.
- The capital programme underspent by £5.7 million, with unspent grant funding carried forward.
- The Council's earmarked reserves would increase to £19.345 million following the proposed transfer.

The Portfolio Holder confirmed that the surplus would be transferred to the Volatility Reserve, in line with the Council's financial strategy to mitigate future risks and support budget resilience.

The recommendation was moved by Councillor Sandeep Ghosh and seconded by Councillor Stuart Evans.

**Resolved:**

**That the transfer of the £1,015,000 General Fund surplus for 2024/25 to the Volatility Reserve be approved.**

**40 Democratic Arrangements - Appointments to Committee Vice-Chairmen and to Outside Bodies 2025/26**

The Assistant Director – Governance & Monitoring Officer introduced the report, which sought Council approval for appointments to Committee Vice-Chairmanships and to outside bodies where vacancies had arisen since the Annual Meeting in May 2025. The current vacancies were attached as Appendices 1 and 2 within the report and nominations received were tabled at the meeting.

Members were advised that the following Vice-Chairmanships were vacant:

- Audit & Governance Committee – previously held by Councillor Mike Gilbert.
- Licensing / Regulatory & Appeals Committee – previously held by Councillor Suzanne Welberry.

Group Leaders had been invited to submit nominations in advance of the meeting. The following nominations were tabled and considered:

- Councillor James Cantwell was nominated as Vice-Chairman of the Audit & Governance Committee.
- Councillor Stuart Evans was nominated as Vice-Chairman of the Licensing / Regulatory & Appeals Committee.

In addition, Council was asked to consider appointments to outside bodies where vacancies had arisen:

- Black Sluice Internal Drainage Board – two vacancies were reported.
- Wash and North Norfolk Partnership Members Group – one vacancy was reported.

The following nominations were considered:

- Councillors Richard Austin and Suzanne Welberry were nominated to sit on the Black Sluice Internal Drainage Board.
- Councillor Peter Bedford was nominated to sit on the Wash and North Norfolk Partnership Members Group.

Council also considered a formal invitation from the John Laughton Educational Foundation, a registered charity, to nominate a trustee to serve on its board for a five-year term. This followed recent constitutional changes to the charity.

- Councillor Mike Gilbert was nominated as the Council's representative trustee to the John Laughton Educational Foundation.

**The recommendations were moved by Councillor Dale Broughton and seconded by Councillor David Scoot.**

Councillor Anne Dorrian proposed an amendment for the Vice-Chairman of the Audit & Governance Committee and nominated Councillor Emma Cresswell. Officers confirmed that as Councillor Cresswell was not a member of the committee she was ineligible for the appointment. Councillor Cresswell subsequently nominated Councillor Dorrian and this was seconded by Councillor David Middleton.

A vote was held on the proposed amendment. The amendment was not carried. The original nominations were then put to the vote and approved. Councillor Dorrian requested that her vote against the recommendations be recorded. Councillor Stephen Woodliffe abstained from the vote.

- 1. That Councillor James Cantwell be appointed Vice-Chairman of the Audit & Governance Committee for the remainder of the 2025/26 Municipal Year;**
- 2. That Councillor Stuart Evans be appointed Vice-Chairman of the Licensing / Regulatory & Appeals Committee for the remainder of the 2025/26 Municipal Year;**
- 3. That Councillors Richard Austin and Suzanne Welberry be appointed to the Black Sluice Internal Drainage Board;**
- 4. That Councillor Peter Bedford be appointed to the Wash and North Norfolk Partnership Members Group; and**
- 5. That Councillor Mike Gilbert be appointed as the Council's representative trustee to the John Laughton Educational Foundation for a five-year term.**

#### **41 Designation of Section 151 Officer**

The Leader of the Council, Councillor Dale Broughton, introduced the report which sought formal designation of Mr Russell Stone as the Council's Section 151 Officer, in accordance with Section 151 of the Local Government Act 1972.

Members were advised that Mr Stone had been appointed as Director of Finance for the South & East Lincolnshire Councils Partnership following a competitive recruitment process undertaken by the Joint Chief Officer Employment Panel. His appointment had been supported by all three partner councils and was due to commence on 3<sup>rd</sup> November 2025.

The designation of a Section 151 Officer was a statutory requirement and would ensure continuity in the Council's financial governance arrangements. The designation would also apply across the Partnership, with each authority confirming the appointment through its own governance processes.

The Leader paid tribute to the outgoing Interim Director of Finance, Mr Brendan Arnold, acknowledging his significant contribution to the Council's financial stability and performance during his tenure.

During debate, the following queries regarding the recruitment process were asked:

- What had been the cost of engaging the executive search firm, Gatenby Sanderson, to support the appointment?
- Which local authority Mr Stone had previously served as Chief Financial Officer for 15 years, as referenced in the report?
- Why East Lindsey District Council did not appear to have been consulted on the designation, given its role as a partner authority?

In response, the Leader confirmed that East Lindsey District Council had been represented on the Joint Chief Officer Employment Panel and had participated fully in the recruitment process. He undertook to provide written responses to the remaining questions regarding costs and Mr Stone's employment history.

**The recommendation was moved by Councillor Dale Broughton and seconded by Councillor Mike Gilbert.**

**Resolved:**

**That Mr Russell Stone be designated as Boston Borough Council's Section 151 Officer with effect from 3<sup>rd</sup> November 2025.**

#### **42 South & East Lincolnshire Councils Partnership Performance Report**

The Leader of the Council, Councillor Dale Broughton, introduced the six-monthly performance report for the South & East Lincolnshire Councils Partnership (SELCP), which provided an update on progress against the Alignment and Delivery Plan for 2025/26.

Members were advised that of the 102 activities set out in the plan, 82% were either completed or on track, with the remainder subject to revised timelines or external dependencies. The Partnership had secured £9.03 million in external funding during the first quarter of the financial year, supporting a range of strategic initiatives across Boston Borough Council, East Lindsey District Council, and South Holland District Council.

Councillor Broughton highlighted that the Partnership remained on course to deliver cumulative efficiency savings of £39.17 million by 2032, with further opportunities being explored through shared service development, digital transformation, and workforce alignment. He emphasised that the collaborative model continued to strengthen the councils' regional influence and ability to attract investment.

**The recommendation was moved by Councillor Dale Broughton and seconded by Councillor Sandeep Ghosh.**

**Resolved:**

**That the South & East Lincolnshire Councils Partnership Performance Report for 2025/26 be noted.**

**43 Motions on Notice**

The following Motion was received:

**Planning Committee Chairman**

Under the previous administration Councillor David Middleton was appointed as Chairman of the Planning Committee of Boston Borough Council on Monday 19/5/2025.

It is proposed that he is replaced by Councillor Peter Bedford.

Councillor Bedford has had 8 years' experience as Chairman of Planning Committee as well as 7 years as Portfolio Holder of Planning and Development, after first being elected as Coastal Ward councillor in 1991.

He has experience of steering through complex planning applications, whilst maintaining both the integrity of the Boston Borough Council planning process as well as retaining the public confidence in this Council.

We therefore move that:-

The Council resolves to remove Councillor David Middleton as Chairman of the Planning Committee of Boston Borough Council, and appoint Councillor Peter Bedford as the new Chairman of the Planning Committee with immediate effect.

**The motion was moved by Councillor Helen Staples and seconded by Councillor Sarah Sharpe.**

Councillor David Middleton addressed the Council, expressing disappointment at the proposal and outlining the improvements made to the Planning Committee during his tenure. He highlighted the committee's strong performance record, including timely decision-making, reduced appeal rates, and enhanced member training. He also referenced his efforts to strengthen collaboration between officers and members and to ensure that planning decisions were made in accordance with legislation and policy. Councillor Middleton stated that he had taken pride in chairing the committee and believed the motion was not reflective of the committee's achievements under his leadership.

During debate, a range of views were expressed. Some Members supported the motion, citing concerns about the tone and conduct of recent meetings and the need for a refreshed approach to public engagement. It was suggested that the committee would benefit from experienced leadership and a renewed focus on professionalism and consistency.

Other Members opposed the motion, questioning the rationale for the change and expressing concern about the process by which it had been brought forward. It was argued that the committee had operated effectively under Councillor Middleton's chairmanship and that the motion risked undermining continuity and stability.

**Resolved:**

**That Councillor David Middleton be removed as Chairman of the Planning Committee and that Councillor Peter Bedford be appointed as Chairman of the Planning Committee, for the remainder of the 2025/26 Municipal Year, with immediate effect.**

The Meeting ended at 7.52 pm.

## Supplementary Questions and Written Responses Full Council – 29<sup>th</sup> September 2025

### 4. Supplementary question from Councillor Jonathan Noble to Councillor Claire Rylott

Well, given that response it's very clear that this Council, or the Cabinet anyway, supports the net zero target. Now my point is this - we have electricity costs in this country which are the highest in the Western world, our costs are a third higher than they are in Germany.

Therefore, because of net zero and green energy subsidies, we are paying exorbitant electricity prices. So, my question to Councillor Rylott, do you think that that is a price worth paying in order to get to a notional net zero target of 2040. Thank you.

#### Supplementary response from Councillor Claire Rylott:

Just recently, the Royal Yacht Association announced they would prefer us not to use the old saying "man overboard". We should now say "person in the water". By my recollection, Councillor Noble, the next time you jump ship, it could be third time lucky. I wonder which political party will be top of the polls then.

I will respond to the supplementary question in writing.

#### Written response from Councillor Claire Rylott:

Whilst this Council can do little to address the national challenges around electricity costs, working towards a net zero target through the reduction of carbon emissions from the built environment has the added benefit of also reducing their energy demand and in turn lowering utility bills. We can only seek to address what is within our control and taking considered steps, where the cost/benefit analysis stacks up. Improving energy-efficiency has multiple benefits for our communities; reducing financial pressures, tackling fuel poverty, improving building comfort and improving health and well-being.

### 7. Question to Councillor Barrie Pierpoint from Councillor Anne Dorrian

Please provide a list of all Mayoral duties which you have attended to between the dates of 21st July 2025 until 24th September 2025.

#### Details provided by Councillor Barrie Pierpoint:

#### Mayoral Engagements 21 July – 24 September 2025

Month	Day & Date	Time	Event Details
July	Monday 21 <sup>st</sup>	10.00	Haven High Learning Awards – Tollfield Campus
	Monday 21 <sup>st</sup>	12.30	Haven High Learning Awards – Marian Campus
	Friday 25 <sup>th</sup>	13.00	RAF Coningsby Families Day
	Friday 25 <sup>th</sup>	17.15	Opening of the newly refurbished Castle Pub and Restaurant
	Friday 25 <sup>th</sup>	18.45	Hakusan Students Farewell
August	Friday 1 <sup>st</sup>	13.30	Pulmonary Fibrosis Support Group

	Saturday 9 <sup>th</sup>	12.00	RAFA Commemorative Lunch
	Thursday 14 <sup>th</sup>	11.00 onwards	Mayor's Charities introductions: 11.00 Headway, Lincs  12.00 Boston Mens Shed  13.00 Adults with Autism  14.30 Boston Foodbank, feeding the Children's project at the Stump
	Saturday 16 <sup>th</sup>	10.00	Swineshead Art Group in Pescod Square Gallery
	Sunday 17 <sup>th</sup>	11.00	Children's Ward Charity Fair
	Wednesday 20 <sup>th</sup>	10.00	Allotments Visits with Jen Moore 10.15 Spilsby Road Allotment  12.30 Willoughby Road Allotment
	Tuesday 26 <sup>th</sup>	10.00	Boston Foodbank Visit
	Tuesday 26 <sup>th</sup>	12.00	Mayor's Charities introductions
<b>September</b>	Tuesday 2 <sup>nd</sup>	14.00	BTAC Small Grant Scheme Event in Council Chamber
	Wednesday 3 <sup>rd</sup>	17.30	Fenside Youth Club
	Wednesday 10 <sup>th</sup>	10.00	Allotments visits with Jen Moore 10.15 Wyberton West Allotment
			15.00 Toot Lane Allotment
	Thursday 11 <sup>th</sup>	12.45	Start RAF Boston Slog
	Sunday 14 <sup>th</sup>	14.00	Mayor's Sunday
	Monday 15 <sup>th</sup>	10.30	Battle of Britain Day Service
	Monday 15 <sup>th</sup>	13.30	Funeral Service of John Blackwell
	Tuesday 16 <sup>th</sup>	13.30	Deputy Chairman of Scope visit
	Tuesday 16 <sup>th</sup>	18.45	Institution of the Rev Adrian Morton at Holy Trinity Church
	Saturday 20 <sup>th</sup>	10.00	Boston Library Summer Reading Challenge Celebration
	Sunday 21 <sup>st</sup>	11.30	Battle of Britain Sunday Service and Parade
	Wednesday 24 <sup>th</sup>	10.00	Old Leake Community Hub

## 9. Supplementary question from Councillor Anne Dorrian to Councillor Helen Staples:

I was actually keen to discover if you had any sayings or mantras to give us an insight into your approach to your portfolio. You wrote to me earlier this year and I quote: "Never trust a Tory or an Austin is my mantra", and I'm curious to know how that translates now that you're in an administration with two Austin councillors and you're sitting around the



Cabinet table with a Tory, perhaps both the Austins and the Tories, should take a very cautious approach in getting involved with you.

**Supplementary response from Councillor Helen Staples:**

No, I find it totally inappropriate, Councillor Dorrian and I will not answer that publicly, but I'll give you a written answer.

**Written response from Councillor Helen Staples:**

Cllr Dorrian

First of all I would like to see a copy of what you allegedly say I wrote to you as the word mantra is certainly not one I use ,and you will recall earlier this year I was Mayor and refrained from getting into any political discussions ,and in fact had very little contact with you during my year as Mayor.

I think it is human nature to say and do things we later regret, fortunately my relationship with Councillors Alison and Richard Austin transcends a comment that I may have made.

It was my idea to form a rainbow cabinet to help bring about a more cohesive council whilst we navigate LGR, so I am extremely happy to be working alongside Councillor Clare Rylott who most definitely upholds the Nolan Principles in her approach to being a Councillor.

Trust Councillor Dorrian is something that can be developed or lost and the Conservative Councillors in this Council have always shown me respect and therefore gained my trust .

I do not have a mantra as you put it as a way for you to judge how I perform as a Portfolio Holder for Communities, what I will say though is that I am a proud Bostonian and I care about the people of this town. I think within the first two months of holding the portfolio for communities I have demonstrated my commitment to the role, the Autumn Days Event was incredibly well attended and achieved much of what Father David Stephenson and I hoped it would in terms of helping and sign posting people.

I am more than happy to share with you the results of the Evaluation Sheets people and organisations filled in.

**10. Supplementary question from Councillor Emma Cresswell to Councillor Dale Broughton:**

I'm sure that you will agree that proper oversight of PSPS and the Board of Directors is extremely important. To add to what Councillor Noble raised earlier about the point to yourself about LGR. As a Cabinet, I think you will agree, we did not feel we could work with East Lindsey or South Holland while they removed some of our class rights on PSPS and that was part of our bargaining chip before we actually agreed.

Regarding staffing issues, as well as many other issues, the Board of directors of PSPS is really important. Councillor Rylott raised a legal matter at the last meeting of Full Council and claimed that neither you nor the rest of the Cabinet were aware of the costs incurred when you know and the rest of the Cabinet who were the last administration know that's

not true. Councillor Dorrian kept all of Cabinet fully briefed. She gave us multiple packs of information to do with PSPS and sought support and guidance from us on at least three Cabinet meetings. I would like to know who gave you authority or why you discussed a confidential legal matter with the opposition instead of going through the deputy monitoring officer?

**Supplementary response from Councillor Dale Broughton:**

I didn't quite catch all your question, Councillor Cresswell, but I'm happy to give you a written response.

**Written response from Councillor Dale Broughton:**

Councillor Cresswell I reiterate what I have said previously I have not had a conversation or given confidential information to councillor Rylott, which councillor Rylott made a point of order to clarify at Mondays full council meeting.

**12. Supplementary question from Councillor Anne Dorrian to Councillor Dale Broughton:**

Because sometimes the majority of elected members don't want to do what you just said and there is an egregious incident that I'm aware of and I'm sure you're aware of when Councillor Gilbert gave a direct quote to The Target on the 30th of July 2025 stating that, and I quote, "Anne Dorrian engineered a vote against me because she claimed that I made racist comments because I discussed Islam as an ideology."

You Councillor Broughton know that is factually incorrect and nothing could be further from the truth. When that issue arose you also know for a fact that rather than lead anyone to a conclusion, I emphasised the fact that all of you had to make your own choice without being led by anyone at all.

Is this willingness to allow your group to feed false information to the public the best that we can expect now?

**Supplementary response from Councillor Dale Broughton:**

Thank you, Councillor Dorrian. I am more than happy to give you with a written response.

**Written response from Councillor Dale Broughton:**

Councillor Gilbert is not a member of my group, and all councillors can speak to, and have their own opinions on, any issue.

## Boston Borough Council

Minutes of a meeting of the **Audit & Governance Committee** held in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR on Monday 13th October 2025 at 6.30 pm.

### **Present:**

Councillor Barrie Pierpoint, in the Chair.

Councillors Councillor James Cantwell (Vice-Chairman), Richard Austin BEM, Anton Dani, Anne Dorrian, Neil Drayton, Andy Izard, David Scoot and Stephen Woodliffe.

### **Officers:**

Assistant Director - Governance and Monitoring Officer, Treasury and Investment Manager (PSPSL), Democratic Services Team Leader and Democratic Services Officer.

## **16 Apologies for Absence**

Apologies for absence were received from Councillors Ralph Pryke and Lina Savickiene, and from Co-opted Independent Members Adam Cartwright and Gideon Hall.

## **17 Declarations of Interest**

There were no declarations of interest.

## **18 Minutes**

The minutes of the previous meeting held on 7<sup>th</sup> July 2025 were agreed and signed by the Chairman.

## **19 Actions**

Members considered the action sheet from the previous meeting held on 7<sup>th</sup> July 2025 which had been circulated with the agenda. It was confirmed that there were no outstanding actions.

## **20 Public Questions**

No questions had been received.

## **21 External Auditors Progress Report 2024/2025**

The Committee received a verbal update from the Engagement Manager, KPMG on the progress of the audit for the year ending 31<sup>st</sup> March 2025. It was reported that the audit was approximately 85% complete and on track for completion by the November meeting.

A significant risk had been identified in relation to the valuation of land and buildings, with delays and quality issues noted in responses from the internal valuer. The finance team had been working closely with the valuer to resolve these matters, and weekly meetings had been held to ensure progress. It was confirmed that the internal valuer was employed by a partner authority within the South & East Lincolnshire Councils Partnership.

The Committee was advised that six elected members had not returned their related party transaction forms, which was preventing completion of the disclosure note.

Members discussed the report and commented as follows:

- Concern was expressed regarding the delay in receiving related party transaction forms and the impact on audit completion. It was noted that responsibility for chasing declarations lay with Group Leaders, not Democratic Services. The Democratic Services Team Leader confirmed that group leaders had been contacted to expedite the outstanding returns, and that Democratic Services had supported this process as a courtesy to the Finance Team.
- A query was raised regarding the valuation of a specific investment property. It was confirmed that a valuation certificate had been issued for the current year, although the asset had not been subject to detailed audit testing due to no significant changes in assumptions.
- Members expressed frustration at the lack of clarity around roles and responsibilities in resolving audit queries and requested that future meetings include appropriate officer representation to respond to technical questions.

**Resolved:**

**That the verbal update be noted.**

## **22 Internal Audit Progress Report - September 2025**

The Committee received the Internal Audit Progress Report for the current financial year. The report was presented by the Head of Internal Audit from Lincolnshire County Council (LCC) and provided an update on delivery against the 2025/26 audit plan, as well as key findings from recent audit work.

It was reported that approximately 60% of the audit plan had been delivered at the time of drafting. Three audits had been completed, including a cyber audit which had received poor ratings due to delays in issuing the final report. The audit had been delivered by a co-sourced partner, and improvements had since been made to their practices following feedback.

A report with a rating of “insufficient control” had been issued for one area where no controls were found to be in place. This was noted as highly unusual, and a follow-up assurance audit was scheduled for later in the year to assess improvements. The Head of Internal Audit confirmed that this was the first such report issued in over 20 years.

Members discussed the report and commented as follows:

- Concerns were expressed regarding the absence of the Section 151 Officer or other relevant officers to respond to technical questions. Members requested that future meetings include appropriate representation to ensure queries could be addressed.
- A Member queried the cause of the insufficient controls and asked whether this could impact the overall audit opinion for 2025/26. The Head of Internal Audit advised that judgement would be reserved until the follow-up audit was completed and confirmed that the outcomes of that audit would be reported back to the Committee once

available. The Head of Internal Audit advised that this would impact on the annual opinion.

- A Member asked whether the audit plan was flexible enough to respond to emerging risks such as cyber resilience. It was confirmed that the plan had been amended mid-year to reflect the insufficient control finding and that further changes were being considered to improve value for money and depth of coverage.
- A Member asked whether there was evidence of sustained improvement in previously audited areas. The Head of Internal Audit confirmed that access to data had improved and that the team was now focusing more deeply on first-line assurance.
- A Member requested clarification on the dates of the cyber audit and the insufficient control audit. It was confirmed that the cyber audit fieldwork took place in June 2025, with the final report issued in August, and the insufficient control audit fieldwork took place in May 2025, with the report issued in July.

**Resolved:**

**That the report be noted.**

**23 Internal Audit Charter**

The Committee received the updated Internal Audit Charter, which was presented by the Head of Internal Audit from Lincolnshire County Council (LCC). The Charter set out the purpose, authority, and responsibility of the internal audit function and formed a key part of the Council's governance framework.

The Head of Internal Audit explained that the Charter had been reviewed and updated to reflect recent changes in professional standards, audit leadership, and reporting structures. It was confirmed that the Charter aligned with the Global Internal Audit Standards (GIAS) and followed the model Charter issued by the Institute of Internal Auditors (IIA).

The Charter outlined the framework for delivering internal audit services across the Council, including the scope of audit work, independence and objectivity requirements, access rights, and the reporting arrangements to senior management and the Audit & Governance Committee. It also clarified the role of the Head of Internal Audit in providing an annual audit opinion and supporting the Council's assurance framework.

Members were invited to comment on the Charter. No questions were raised, and the Committee expressed satisfaction with the content and clarity of the document. Members welcomed the assurance that the Charter remained consistent with best practice across the public sector and supported its approval.

**The recommendation was moved by Councillor Andy Izard and seconded by Councillor Stephen Woodliffe.**

**Resolved:**

**That the Internal Audit Charter be approved.**

## 24 Quarter 1 25/26 Performance and Risk Report

The Committee received the Quarter 1 Risk Report, presented by the Group Manager – Insights & Transformation. The report provided an update on the Council's strategic and partnership risk registers as at the end of June 2025 and formed part of the Committee's regular oversight of the Council's risk management arrangements.

The Committee was advised that the civil contingency risk had been updated following the appointment of a new Partnership Resilience Manager. A new emerging risk relating to battery storage developments was being considered for inclusion in the register and would be raised with the Lincolnshire Resilience Forum. Officers also confirmed that the business continuity risk was to be merged with the civil contingency risk due to overlapping themes.

The health and safety risk score had increased due to a number of overdue audit actions. In response, health and safety clinics had been established to address the concerns and improve compliance. A new risk had been added regarding the IT server room infrastructure, with a mitigation project already underway. The Environment Act risk had also been updated to reflect the extension of the depot lease and the wider waste improvement programme.

The partnership risk register had been updated to reflect workforce development concerns linked to Local Government Reorganisation (LGR). A Member queried a partnership risk relating to trust. Officers confirmed that the risk was linked to LGR and was currently being tolerated, with no changes proposed by the Senior Leadership Team.

Members discussed the report and commented as follows:

- A query was raised regarding whether financial penalties were applicable for missing government targets or bin collection failures. Officers advised that no penalties were currently in place but undertook to confirm whether this may change under the Environment Act.
- A Member asked whether the Council monitored emergency planning coverage across parish councils. Officers undertook to liaise with the Partnership Resilience Manager and report back to the Committee.
- Clarification was sought on the term "GIS", which was confirmed to mean Geographical Information System.
- A Member asked how mitigations for high residual risks were tested for effectiveness. Officers confirmed that this was an area identified in a recent audit and that further work was planned to strengthen assurance.
- A Member asked how risk appetite was defined and communicated. Officers advised that a review was planned in partnership with Lincolnshire County Council, with outcomes to be reported in a future quarterly update.
- A Member queried whether the risk register had been independently reviewed. Officers confirmed that internal audit had recently undertaken a more detailed review and had made recommendations regarding layout and mitigation clarity.
- A Member queried the definition of the local economy risk and its scoring. Officers confirmed that the risk related to the impact of economic conditions on the Council's ability to deliver services and that further detail would be provided in the upcoming training session.

- A Member asked whether the Council's net zero targets were based on national or local benchmarks. Officers confirmed that the targets were locally set but aligned with national policy.
- A Member raised questions about safeguarding risk categorisation and inter-agency coordination. Officers confirmed that both adult and child safeguarding were covered and undertook to provide further detail on the structure and designated leads.

**The recommendation was moved by Councillor Anton Dani and seconded by Councillor David Scoot.**

**Resolved:**

**That the report be noted.**

## **25 Q1 Treasury Report 2025/26**

The Committee received the Quarter 1 Treasury Management Report, which provided an overview of the Council's treasury activities for the period ending 30<sup>th</sup> June 2025. The report was presented by the Treasury and Investment Manager (PSPSL) and formed part of the Council's governance framework in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice.

The Committee was advised that the Council had maintained a strong financial position during the first quarter of the financial year, with investment income exceeding expectations. The Council continued to operate with a low level of external borrowing, using internal resources to fund capital expenditure and maintain an under-borrowed position.

A key development highlighted in the report was the repayment of the long-standing State Street loan, which had carried a fixed interest rate of 11.125%. The loan had been replaced with a Public Works Loan Board (PWLB) loan at a significantly lower rate, resulting in projected long-term savings of approximately £660,000. The transaction was completed following a favourable offer from the loan holder, and the Council's treasury team had acted promptly to secure the benefit. Officers undertook to provide a future note summarising the historical cost and context of the State Street loan, including the year it was taken out and the decision-making process.

Property fund investments were also discussed. Concerns were raised about liquidity and market conditions, with one fund having suspended trading due to high redemption requests and others experiencing delays in processing withdrawals. Officers confirmed that the Council was monitoring developments and would consider strategic changes when market conditions improved. It was noted that any losses from early exit would need to be financed from reserves. Officers confirmed they would continue to monitor property fund developments and report any strategic changes to the Committee.

Members discussed the report and commented as follows:

- Members welcomed the repayment of the State Street loan and commended the treasury team for securing a favourable outcome. A request was made for a future note

detailing the full historical cost of the State Street loan and the circumstances under which it was originally taken out.

- A Member queried whether the Council remained compliant with its prudential indicators. Officers confirmed that all indicators had been met.
- A Member asked whether the Council's risk appetite for treasury management and borrowing had changed. Officers confirmed that the annual Treasury Management Strategy was reviewed and approved by Council each year and that no significant changes had been made.
- A Member requested clarification on the valuation and ownership of the Municipal Buildings. Officers confirmed that the building was owned by the Council and that valuations were reviewed on a rolling basis, with full revaluations every three years. Officers undertook to confirm the current valuation and whether any charges or encumbrances exist.

**The recommendation was moved by Councillor Andy Izard and seconded by Councillor Neil Drayton.**

**Resolved:**

**That the report be noted.**

## **26 Work Programme**

The Committee reviewed the Audit and Governance Work Programme for 2025/26. Members were invited to consider whether any additional items should be included.

A proposal was made to introduce a formal self-assessment of committee effectiveness, with the aim of identifying training needs and improving Member engagement. The suggestion prompted a detailed discussion among Members.

Several Members expressed the view that the Committee was already operating effectively and that existing mechanisms, including annual Member surveys and training sessions, were sufficient. It was noted that the quality of officer reports had improved significantly, reducing the need for repetitive questioning. Members also highlighted that questions were often raised collectively, and duplication was avoided to ensure efficient use of meeting time.

Concerns were raised regarding the tone of a proposal regarding a self-assessment of the committee's effectiveness and comments made about Member participation. Members emphasised the importance of mutual respect and acknowledged the diverse contributions made by all Members, regardless of speaking frequency.

It was confirmed that a self-assessment process was already in place and that any future training needs would continue to be identified through existing channels. Officers undertook to ensure that the existing annual self-assessment process remained in place and was communicated clearly to all Members. Any future training needs identified through the self-assessment or Member feedback would be incorporated into the Committee's development programme.



**Resolved:**

**That the work programme be noted.**

*[Councillor Anne Dorrian left the meeting at 7.46pm, during consideration of the above item.]*

The Meeting ended at 7.52 pm.

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<b>Report To:</b>	Full Council
<b>Date:</b>	10 <sup>th</sup> November 2025
<b>Subject:</b>	Democratic Arrangements – Allocation of Seats Review and Appointments to Outside Bodies 2025/26
<b>Purpose:</b>	To review committee, panel and working group seat allocation and make appointments in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 and to enable the Council to make appointments to outside bodies for the 2025/26 Civic Year, where vacancies have arisen since the Annual Meeting in May 2025.
<b>Key Decision:</b>	N/A
<b>Portfolio Holder:</b>	N/A
<b>Report Of:</b>	John Medler, Assistant Director – Governance & Monitoring Officer
<b>Report Author:</b>	Amanda Dickinson, Democratic Services Team Leader
<b>Ward(s) Affected:</b>	None
<b>Exempt Report:</b>	No

## Summary

The purpose of this report is to set out a revised allocation of seats and associated appointments for the Council's committees/panels and working groups following a review of political group membership; and to make appointments to outside bodies where vacancies have arisen.

## Recommendations

That the Council approves the revised allocation of seats and appointments to:

1. Committees, Panels and Working Groups as detailed in Appendix 1 (to follow) for the remainder of the Municipal Year 2025/26; and

2. That the Council seeks nominations and makes appointments to the outside bodies listed in Appendix 2 – Part 1 and Part 2 (to follow), where vacancies have arisen, with such appointments to automatically cease either at the end of the Civic Year (for Part 1 bodies) or in May 2027 (for Part 2 bodies), or earlier if the appointed Member ceases to be a Member of the Council.

### **Reasons for Recommendations**

To comply with legal requirements as set out in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990; and to support the work of the outside bodies listed in Appendix 2.

### **Other Options Considered**

- The Council may agree alternative seat allocation arrangements other than those prescribed by the 1989 Act and the 1990 Regulations. A decision in these circumstances would require no member to vote against the proposed alternative arrangements.
- Not to make the appointments to the outside bodies.

## **1. Background**

- 1.1 At its Annual Meeting on 19<sup>th</sup> May 2025, the Council appointed its Committees, Panels and Working Groups in accordance with the requirements of the Local Government and Housing Act 1989 and associated Regulations. Council appointments were also made to various outside bodies for the Civic Year 2025/26.
- 1.2 On 13<sup>th</sup> October 2025, the Proper Officer received notice that Cllr Anton Dani had joined the Progressive Independent Group alongside a request for a review of committee seats.

## **2. Report**

### **2.1. Committee Appointments**

- 2.1.1. Under Regulation 16 of the 1990 Regulations, where some of the members of the relevant authority are members of one or more political groups and the others are not, the Council's obligations are as follows:
  - i) To determine the proportion of the total membership of the Council who are members of one or more political groups and ensure that the same proportion of the total number of seats to be filled is allocated to each of the political groups in the proportion that the number of members of that group bears to the membership of the authority; and

- ii) To secure that persons appointed to any seats that do not fall to be allocated to a political group under the above requirement are not allocated to a person who is a member of a political group.

2.1.2. Having determined the overall seat allocations, the next step is to allocate the seat allocations to individual bodies. The 1989 Act requires the Council to apply the following principles in sequential order and as far as reasonably practicable when determining seat allocations:

- a) That not all the seats on a body are allocated to the same political group.
- b) If the number of persons belonging to a political group is a majority of the authority's membership, then the majority of seats on a body are allocated to that political group.
- c) That subject to (a) and (b) the number of seats allocated to a political group on the ordinary committees of the Council should bear the same proportion to all the seats on such ordinary committees as the membership of that group bears to the membership of the Council as a whole.
- d) That subject to (a), (b) and (c) the number of seats allocated to a political group on a body should bear the same proportion to the number of all the seats on that body as the membership of that group bears to the membership of the Council as a whole.

2.1.3. Once the allocation of seats has been determined, there is a duty on the Council to give effect to the allocation by making appointments to seats in accordance with the wishes of the relevant political group.

2.1.4. Group Leaders have been advised of these changes and invited to submit appointments for Council's consideration. These will be circulated prior to the meeting.

## **2.2. Vacancies on Outside Bodies**

2.2.1. Since the Annual Meeting vacancies have arisen on the following bodies:

- Black Sluice Internal Drainage Board – 1 vacancy
- Witham Fourth Internal Drainage Board – 2 vacancies

2.2.2. Group Leaders have been advised of the vacancies and invited to submit nominations for Council's consideration. These will be circulated prior to the meeting.

2.2.3. Any appointments made by the Council to these vacancies will take effect immediately following approval and will automatically cease at the end of the Civic Year or if the appointed Member ceases to be a Member of the Council.

2.2.4. Following a resignation, a vacancy has arisen for a Trustee of the Thomas Sanderson Charity. In accordance with the charity's constitution, Boston Borough Council is entitled to appoint either one Council representative and one lay person, or two lay persons, to serve as Nominated Trustees. Appointments are made for a

term of four years and may be, but do not have to be, elected Members of the Council. The appointment will run until May 2027 or until the appointed individual ceases to be a Member of the Council (if applicable).

### **3.0 Conclusion**

- 3.1 The Council is required to review the allocation of seats and make appointments in accordance with the law relating to political proportionality. The recommendations within this report meet these requirements.

### **Implications**

#### **South and East Lincolnshire Councils Partnership**

None

#### **Corporate Priorities**

None

#### **Staffing**

None

#### **Workforce Capacity Implications**

None

#### **Constitutional and Legal Implications**

To meet the provisions of the Local Government Act 1972, the Council's Constitution, the Local Government and Housing Act 1989, the Local Government (Committee and Political Group) Regulations 1990, the Localism Act 2011 and the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015.

Appointments are made in accordance with the provisions set out in the Council's Constitution.

The powers of the Council (as a charging authority) to appoint an individual as a member of an internal drainage board are set out in the Land Drainage Act 1991. In appointing a person as a Board member the Council shall have regard to the desirability of appointing a person who –

(a) has knowledge or experience (including knowledge of the internal drainage district in question or commercial experience) of some matter relevant to the functions of the board; and

(b) has shown capacity in such a matter.

#### **Data Protection**

None

## **Financial**

The costs of delivering the Council's Committee structures are factored into the approved Council budget.

## **Risk Management**

None

## **Stakeholder / Consultation / Timescales**

Group Leaders are consulted as part of the review process; and details of vacancies are shared with Political Group Leaders.

## **Reputation**

None

## **Contracts**

None

## **Crime and Disorder**

None

## **Equality and Diversity / Human Rights / Safeguarding**

None

## **Health and Wellbeing**

None

## **Climate Change and Environment Impact Assessment**

Not Undertaken

## **Acronyms**

None

## **Appendices**

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

Appendix 1	Membership of Committees, Panels and Working Groups (to follow)
Appendix 2	Council vacancies on Outside Bodies 2025/26 (to follow)

## **Background Papers**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

## **Chronological History of this Report**

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

## **Report Approval**

Report author: Amanda Dickinson, Democratic Services Team Leader  
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<b>Report To:</b>	Full Council
<b>Date:</b>	10 <sup>th</sup> November 2025
<b>Subject:</b>	Review of HR Policies
<b>Purpose:</b>	To seek Council's approval for the revised HR policy (Pensions & Pensions Discretions Policy).
<b>Key Decision:</b>	N/A
<b>Portfolio Holder:</b>	Councillor Dale Broughton, Leader of the Council.
<b>Report Of:</b>	James Gilbert, Assistant Director - Corporate
<b>Report Author:</b>	Rachel Robinson, Group Manager – Organisational Development
<b>Ward(s) Affected:</b>	N/A
<b>Exempt Report:</b>	No

## Summary

HR policies require regular review to ensure they are within the legal framework and reflect best practice. This report brings forward the Pensions & Pensions Discretions Policy for review. The Policy has been developed by Public Sector Partnership Services, as the Councils' HR provider; with input from a Readers' Panel consisting of Officers and Trade Union Representatives (Local and Regional). The Readers' Panel has confirmed that operationally the policy is practical to implement.

The Policy has been reviewed by Overview & Scrutiny Committee and the panel is supportive of the policy.

## Recommendation

That Council approves the HR policy (Pensions & Pensions Discretion Policy) appended to this report.

## **Reasons for Recommendations**

HR policies need to be regularly updated to ensure they reflect best practice and are within the legal framework. This review has provided the opportunity to seek consistency in HR policy across the Partnership.

## **Other Options Considered**

None

### **1. Background**

- 1.1 It is important HR Policies are regularly reviewed to ensure they remain appropriate, reflect legislation and best practice and enable the Head of Paid Service to effectively manage the workforce.

### **2. Report**

- 2.1 Having a single set of shared HR Policies will ensure consistency and simplify the way the Partnership's workforces are managed. There is also a benefit to Public Sector Partnership Services of a single HR policy set for each of the three Councils as it means rather than HR advisors administering three different policy sets, they only need to administer one.
- 2.2 This report brings forward a Pensions and Pension Discretions Policy (Appendix A) which outlines the Councils approach to administering the Local Government Pension Scheme (LGPS) and the application of employer discretions in accordance with statutory requirements.
- 2.3 The LGPS is governed by a series of regulations, including the LGPS Regulations 2013 and the LGPS Transitional Regulation 2014. Employers participating in the LGPS are legally required to prepare, publish and keep under review a written policy statement on how they will exercise certain discretionary powers under these regulations.
- 2.4 The policy, as presented at Appendix A, has been reviewed by an internal Reader's Panel of officers from across the Partnership, trade unions, the Senior Leadership Team and Overview & Scrutiny Committee. The policy has their support. The O&S Committee welcomed the clarity and consistency of the policy and acknowledged its importance in supporting workforce planning and retirement transitions.
- 2.5 The tables below provide a summary of the mandatory discretions that an employer must have, and recommended non-mandatory discretions, the current provision and the recommendations as covered by the Policy.

**The following discretions are mandatory:**

<b>Discretion</b>	<b>Regulation</b>	<b>BBC Current Policy (Dec 2015)</b>	<b>Recommendation</b>
<p><b>Whether, how much, and in what circumstances to contribute to a Shared Cost APC scheme</b></p> <p>This discretion is whether the council contributes to some or all of the purchase of additional pension by an active member, either by regular contributions or lump sum. Where a council contributes to some of the purchase, this is often known as a shared cost APC (SCAPC). Employers can choose to contribute to the cost of Additional Pension Contributions purchased by an employee.</p> <p>Note: This does not include instances where the employee is paying for lost pension via an APC where the election was made in the first 30 days (or longer if the employer allows) – in this circumstance the employer must pay two-thirds of the cost of such purchase there is no discretion (R15(5)).</p>	R16(2e) & R16(4d)	<p>The council does not consider contribution to APC to be an essential part of its employment strategy.</p> <p>The council has chosen not to adopt this discretion.</p>	<p>The Council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis except where required under R15(5) Rationale to manage financial exposure while supporting employees. The council will take into account any financial implications. The cost of this would fall on the employer so expectation is this discretion will only be exercised in exceptional circumstances and would be subject to any current maximum annual value set by LGPS or HMRC.</p>
<p><b>Award of Additional Pension:</b></p> <p>Whether to award additional pension (of up to £8,903* pa at 1 April 2025) to; an active member, or within 6 months of ceasing to be an active member on the grounds of redundancy or business efficiency.</p> <p>*this figure is revalued annually</p>	Regulation 31	This council has chosen not to adopt this discretion.	The council will not exercise this discretion due to financial implications.
<p><b>Whether to allow Flexible Retirement:</b></p> <p>Employers can allow employees aged 55+ to draw pension benefits while continuing to work (with reduced hours or grade) .</p>	Regulation 30(6) Regulation 11(2)	<p><u>Separate policy:</u> Yes</p> <p><b>Hours:</b> Reduction in hours should be min of 40% for both FT and PT staff.</p>	The Council will reserve the right to exercise this discretion and will deal with it on a case by case basis taking into account any financial and operational implications. Requests will only be considered where the reduction in hours would

Employers must decide whether to allow this.		Grade: The employee should normally identify a suitable lower graded post – at least 2 equivalent grades reduction.  Approved by CMT	result in at least 30% reduction in gross pay and or a reduction of at least a grade. This discretion may only be used where the employing department can demonstrate that there is no adverse impact to services.
<b>Flexible Retirement - Whether to allow the member to choose to take</b> a. part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or b. all, part or none of the pension benefits they built up after 31 March 2014	Reg (30 (8)	This council has chosen not to adopt this discretion.	The Council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis taking into account any financial implications. The cost of this would fall on the employer so expectation is this discretion will only be exercised in exceptional circumstances
<b>Whether to waive, in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age</b> In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives the reduction either fully or in part - the cost of waiving any actuarial reduction, in whole or in part, would have to be met by, and paid to the Pension Fund by, the Scheme employer. Please be aware, if you allow members to retire under flexible retirement, and they meet the 85 year rule between the ages of 55 and 60, there may be a cost to the employer as there is no option to switch the 85 year rule off in this instance.	R 30 (8)	This Council has chosen not to adopt this discretion.	The Council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis taking into account any financial implications. The cost of this would fall on the employer so expectation is this discretion will only be exercised in exceptional circumstances
<b>Whether to waive, in whole or in part, any actuarial reductions on benefits which a member voluntarily draws before normal pension age (excluding flexible retirement).</b>  This employer may waive reductions on either: <ul style="list-style-type: none"> <li>compassionate grounds</li> </ul>	Regulation 30(8), TP3(1), TPSch 2, para 2(1), B30(5) and B30A(5)	This Council will reserve the right to exercise this discretion and will deal with it on a case by case basis taking into account financial implications. The council will consider applications made under this Reg having regard to the	The Council will typically only exercise this discretion if: <ul style="list-style-type: none"> <li>It is in the financial or operational interest of the employer.</li> <li>There are compassionate grounds that justify it.</li> </ul>

<ul style="list-style-type: none"> <li>on any grounds</li> </ul> <p>Employers can choose to waive some or all of the reductions applied to pension benefits when a member retires early (from age 55 onwards).</p> <p>If they do, the cost of doing so (called the strain cost) must be paid by the employer to the pension fund.</p>		<p>particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to: the councils ability to meet the costs; whether any demonstrable cost saving available, the members personal Circs. On the grounds of compassion, will be granted, if in the employers sole opinion , the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval, and the employer can meet the cost of granting such a request</p>	<ul style="list-style-type: none"> <li>The costs of waiving the reduction can be justified and met.</li> </ul>
<p><b>Determination of Contribution Banding</b></p> <p>Employers must determine the appropriate contribution rate for each employee, based on pensionable pay.</p>	<p>Regulation: 9 (1) &amp; 9(3)</p>	<p>Where an employee changes their employment within the council and there is a material change to their pensionable pay during a year, the council wil change the employee's contribution rates when the material change takes effect.</p>	<p>The Council will use the contribution rate defined in the regulations and apply it to employees who are members of the Pension scheme in accordance with their pensionable pay. Where an employee changes their employment within the Council and there is a material change to their pensionable pay during a year, the council will change the employees contribution rates when the material change takes effect.</p>

### The following discretions are Non-Mandatory

Discretion	Regulation	BBC Current Policy (Dec 2015)	Recommendation
<p><b>Whether, how much and in what circumstances to contribute to a shared cost AVC arrangement.</b></p> <p>It gives employers the discretion to contribute to an employee's AVC arrangement, making it a shared cost AVC.</p>	<p>Regulation 17(1) and (2)(e)</p>	<p>This council has chosen not to adopt this discretion</p>	<p>This discretion will not be exercised</p>

Whether to extend the 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).	R16(6)	The council has chosen not to adopt this discretion.	This discretion will not be exercised.
<b><i>Forfeiture of Pension Rights</i></b> Whether to apply to the Secretary of State for a forfeiture certificate following a relevant criminal conviction.	Regulation 91(1)	The council will reserve the right to exercise this discretion and will deal with it on a case by case basis taking into account any financial implications.	The council will reserve the right to exercise this discretion and will deal with it on a case by case basis taking into account any financial implications.
<b><i>Interim Payments Direction</i></b> Whether to suspend or withhold pension payments pending a forfeiture decision.	Regulation 92	The council will reserve the right to exercise this discretion and will deal with it on a case by case basis taking into account any financial implications.	The council will reserve the right to exercise this discretion and will deal with it on a case by case basis taking into account any financial implications.
<b>Whether to “switch on” the 85 year rule</b> for a member voluntarily drawing benefits on or after age 55 and before age 60.  The Rule of 85 allows some LGPS members to retire early without full pension reductions, if their age + years of service = 85 or more. However, if a member retires between ages 55 and 60, the Rule of 85 doesn’t automatically apply—even if they qualify. In this case, the employer has the discretion to “switch it on,” meaning they can choose to allow the protection and reduce or remove the early retirement penalty.  If the employer does agree to ‘switch on’ the 85 year rule, the employer will have to meet the cost of any strain on fund resulting from the payment of benefits before 60 where the	TPSch 2, paras 1(1) C	The Council will reserve the right to exercise this discretion as previously determined in the Council’s 2008 discretionary statement.	This Council has a policy of ‘switching off’ the rule on a case by case basis. This will allow those staff who wish to retire under the 85 year rule and take the actuarial reduction themselves (at no cost to the council) to do so.

member has already met the 85 year rule or will before age 60.			
<b>Late transfer requests</b> Whether to extend the 12 month time limit for a member to elect to transfer previous pension rights into LGPS.	Regulation: 100(6)	This council will reserve the right to exercise this discretion and will deal with it on a case by case basis taking into account any financial implications.	Requests made outside the 12 month period will not be considered unless: 1) no previous option was given to the member due to a clear administration error; 2) Where there has been an administrative delay in processing the initial request, which was received within the 12 month of active membership, or 3) there is clear evidence they had not been informed of or could not have reasonably known the time limit.
<b>Assumed Pensionable Pay (APP)</b> Whether to include certain payments in the calculation of APP when a member is on reduced or nil pay.	Regulation 22(7)(b)	Not captured	The Council will include in the Assumed Pensionable Pay (APP) calculation any regular lump sum payments where it is judged that it is reasonable to assume they would have been paid.
This discretion allows an employer to issue a certificate of protection of pension benefits on behalf of a member if the member fails to request one themselves, in situations where: <ul style="list-style-type: none"> <li>The member's pay is reduced or restricted, and</li> <li>They are entitled to final salary protections (typically for service before 1 April 2014).</li> </ul> The certificate helps ensure that the member's final salary benefits are calculated using the higher pay they previously earned, rather than the reduced pay.	LGPS (Transitional Provisions) Regulations 2014, specifically related to final salary protections.	Not captured	The Council reserves the right to exercise this discretion and will deal with it on a case by case basis.

### **3. Conclusion**

- 3.1. This report presents the Pensions & Pension Discretions Policy for consideration by Council. The policy has been developed to provide guidance to employees and managers, ensure legal compliance, reflect best practice, and support consistent workforce management across the South and East Lincolnshire Councils Partnership.
- 3.2. The policy has been reviewed and endorsed by a Readers' Panel comprising officers, trade union representative and the Senior Leadership Team. Their feedback confirms the practicality and relevance of the proposed changes.
- 3.3. The Policy has been reviewed by the Overview & Scrutiny Committee and the panel is supportive of the policy.

### **Implications**

#### **South and East Lincolnshire Councils Partnership**

The adoption of a unified set of HR policies will enhance consistency in workforce management and simplify HR service delivery across the Partnership.

#### **Corporate Priorities**

The policy supports workforce planning which aims to make the Council more efficient and effective.

#### **Staffing**

The Policy will have a direct impact on the management of the workforce. The policy has been developed in line with legislation and best practice and are designed to support positive workforce management.

#### **Workforce Capacity Implications**

None

#### **Constitutional and Legal Implications**

The policy ensures compliance with statutory obligations under the LGPS Regulations, transparency and consistency in the application of pension-related decisions, fairness in how discretions are applied to individual cases, and clarity for employees and managers.

#### **Data Protection**

There are no direct data protection implications arising from the content of the report, but data relating to staff is protected under data protection laws. The Council has suitable technical and organisational measures in place to protect such data.



## **Financial**

There are no immediate financial implications of implementing the policy. Any financial implications of exercising pension discretions must be carefully considered on a case-by-case basis as outlined within the policy. The Council reserves the right to exercise discretions ensuring that any associated costs are justified and sustainable. This approach supports prudent financial management and protects the Council from undue strain on resources, while maintaining flexibility to support workforce and business needs where appropriate.

## **Risk Management**

Failure to adopt and maintain a current pensions and pension discretions policy would result in non-compliance with LGPS regulation, inconsistent decision-making, lack of clarity for employees and HR, inability to demonstrate transparency and fairness, and a missed opportunity to align policies across the SELCP.

## **Stakeholder / Consultation / Timescales**

The Policies have been reviewed by a Readers' Panel including officers, trade union representatives, the Senior Leadership Team and the Overview & Scrutiny Committee. Their feedback has been incorporated into the final draft.

## **Reputation**

The Council recognises the importance of supporting its workforce and managing the workforce in a positive way. The policy aims to achieve that, thereby enhancing the reputation of the Council as an employer.

## **Contracts**

None.

## **Crime and Disorder**

None

## **Equality and Diversity / Human Rights / Safeguarding**

All pension-related decisions will be applied fairly and consistently in accordance with the Equality Act 2010. The policy supports inclusive workforce practices and promotes equal access to pension benefits.

## **Health and Wellbeing**

The Council acknowledges the role that pension flexibility can play in supporting employee health and wellbeing, particularly in relation to flexible retirement options. By allowing employees to reduce working hours or responsibilities while accessing pension benefits, the policy supports a healthier work-life balance and enables staff to transition into retirement in a way that suits their personal circumstances. This contributes to a support working environment and aligns with the Council's broader wellbeing approach.

## **Climate Change and Environment Impact Assessment**

Not Undertaken

### **Acronyms**

PSPS – Public Sector Partnership Services

BBC – Boston Borough Council

### **Appendices**

Appendix A                                      Pensions & Pension Discretions Policy

### **Background Papers**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report

### **Chronological History of this Report**

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

### **Report Approval**

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Approved for publication:                      Councillor Dale Broughton, Leader of the Council  
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# Pensions & Pension Discretions Policy



Policy Title	Pensions and Pensions Discretions Policy
Policy Author	HR Team - PSPS Limited
Policy Issue date	January 2026
Policy Review date	January 2030
Policy Consultation	Trade Unions recognised by the Council Council Reader Panel Senior Leadership Team
Policy Sign-off	BBC Council ELDC Council SHDC Council

## Introduction

The Local Government Pension Scheme (LGPS) in England and Wales was amended from 1 April 2014. The provisions of the new LGPS, together with protections for member's benefits accrued before 1 April 2014, are now contained in the Local Government Pension Scheme Regulations 2013 (the '**LGPS Regulations 2013**'), and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (the '**LGPS Transitional Regulations 2014**') (as of 14<sup>th</sup> May 2018).

Therefore, this statement now relates to the application of discretions under:

- (a) the **LGPS Regulations 2013**
- (b) **LGPS Transitional Regulations 2014**; and
- (c) the Local Government Pension Scheme Regulations 1997 ('**LGPS Regulations 1997**') and the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 ('**LGPS Benefits Regulations 2007**'), which continue to have effect in so far as is necessary under *Regulation 3 (Membership before 1 April 2014) of the LGPS Transitional Regulations 2014*.

## Pension administration

The council will administer membership for new starters, active members and leavers/ retirements in accordance with the Employer Administration guides provided by the pension administrators. Information for active, deferred or pensioner members is available from the pension administrator:

West Yorkshire Pension Fund  
PO Box 67 Bradford BD1 1UP  
E-mail: [pensions@wypf.org.uk](mailto:pensions@wypf.org.uk)  
Phone: 01274 434999

Employee Contribution rates are set by LGPS based on pay bands, and contributions at the appropriate band rate (or at half that rate if the employee is in the 50/50 section) will be made accordingly through payroll deductions on all pensionable pay (along with Additional Voluntary Contribution (AVC's) / Additional Pension Contributions (APC's) as applicable).

Employees who work beyond their normal pension age who are members of the LGPS will remain entitled to the benefits of the scheme, in accordance with its

rules. Further details are available from HR or the Pension Scheme Administrator  
<https://www.wypf.org.uk/lgps-members/>

### **Scope**

Employers are under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme the LGPS. This document sets out the pension provisions to which employees are entitled, and the discretions that the council will consider in line with the provisions set out under the LGPS and detailed in Appendix A.

The provisions of this policy apply to all eligible employees.

### **The Council's Responsibilities**

In applying this policy, the Council will ensure that:

- It applies the discretions reasonably, after taking account of all relevant factors, for example the cost to the Council balanced against the benefit to scheme member.
- Its discretions are not fettered, i.e. being used in such a way that individual circumstances cannot be considered; and
- That all discretionary decisions are recorded.

### **Policy Implementation**

This policy confers no contractual rights. The Council as the employer retains the right to change this policy at any time, and only the version of the policy which is current at the time that a relevant event occurs to the employee/scheme member will be the one applied to that employee/member. The Council will send a copy of its revised statement to the administering authority and will publish the revised policy.

### **Review of policy**

This policy is reviewed as a minimum every 4 years by the Council. We will monitor the application and outcomes of this policy to ensure it is working effectively.

### **Employee Responsibilities**

Employees are responsible for deciding whether or not they wish to be a member of the pension scheme and for taking the necessary actions to request the transfer in of any other scheme membership as outlined in this policy. They are responsible for informing their Managers of planned retirement dates. They are also responsible for following the relevant processes outlined below in respect of pension transfers, early retirement or flexible retirement. Employees should seek information from the pension provider to ensure they are clear on the impacts of any requests they make

under this policy, before proceeding and seek their own independent advice if required.

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## **Appendix A - Table of Pension Discretions**

### **1. Opting out**

- 1.1 You have the right to opt-out of the LGPS if you decide you do not wish to be a member. What happens if you opt out depends on how long you have been a member of the Scheme. You should think carefully before opting out. Opting out may reduce your income in later life. You may wish to get help from an independent financial adviser.
- 1.2 What happens after you opt out depends on how long you have been a member of the LGPS. If you opt out of the LGPS before you complete three months' membership, you will be treated as never having been a member. Your employer will refund any contributions that you have paid through your pay.
- 1.3 If you have been a member for three months or more, but you have not met the two year vesting period, you will have different options:
- You can take a refund of the contributions you have paid. 20% tax will be taken from your contribution refund.

- You can transfer your pension to another qualifying pension scheme. You may have a limited time in which you can elect to transfer. Contact your pension fund to find out about any time limits that will apply.
- If you were in the Scheme before 1 April 2014, you can choose to have deferred benefits in the LGPS.

1.4 You will not be able to take a refund of contributions if you opt out after being a member for more than three months if you already have a deferred LGPS pension or an LGPS pension in payment. You will be treated the same as a member who opts out after being a member for more than two years (see 1.5)

1.5 If you opt out after meeting the two year vesting period, you will have deferred benefits in the LGPS. You will generally have the same options as anyone who leaves their job before retirement. But there are two main differences. If you opt out:

- you cannot take your deferred pension until you have left your job, unless you reach age 75
- if you re-join the LGPS, you will not be able to join your two periods of Scheme membership together. You will have two separate sets of pension benefits in the LGPS.

For more information about deferred benefits, visit the LGPS website.

## **2 Re-joining the LGPS**

If you opt out, your employer is legally required to re-enrol you in the LGPS approximately every three years on a set re-enrolment date. This will only happen if you are an eligible jobholder.

If you opt out of the LGPS, you will almost always be able to opt back in again. You can opt in if you are still eligible to join the Scheme and you are under age 75. You will generally be able to opt in by telling your employer in writing. Please address all queries to HR@pspsl.co.uk

## **3 Paying Less - 50/50 Scheme**

If you are thinking about opting out of the LGPS, you might want to consider instead moving to the 50/50 section of the Scheme. The LGPS offers you the flexibility to pay half your normal contribution rate and build up half your normal pension. This is called the 50/50 section of the LGPS. You keep the full life and ill-health cover that comes with LGPS if you join the 50/50 section.

Once you are a member of the main section you can elect in writing to move to the 50/50 section. You can ask your employer for a 50/50 election form, or you can Contact your pension fund (wy pf) directly. If you elect to join the 50/50 section,

you will start paying reduced contributions from the next available pay period, once processed.

There is no limit to the number of times you can elect to move from the main section to the 50/50 section and back again.

You should consider the impact on your future pension fund before considering - there is more information on LGPS website.

#### **4. Normal Retirement (Normal Pension Age)**

- 4.1 The Normal Pension Age (NPA) is the age you can retire and take the pension you have built up in full. The Normal Pension Age within the LGPS is the same as your State Pension Age which you can check online at gov.uk (<https://www.gov.uk/state-pension-age>).
- 4.2 Before deciding to retire you should look at your annual pension statement issued by West Yorkshire Pension Fund (wypf), you can also request a full estimate is sent to you, which you can request via the HR service at PSPS. WYPF will only provide one estimate per annum and may take a number of weeks to provide.
- 4.3 If you choose to take your pension before your Normal Pension Age, it will normally be reduced because it is being paid earlier. The earlier you take your pension, the bigger the reduction will be.
- 4.4 If you take your benefits later than your normal pension age your benefits will be increased. You can take it at a later date, but it must be paid by age 75, even if you continue to work.

#### **5 Normal Minimum Pension Age (Retiring Early)**

- 5.1 Members of LGPS can retire from Normal Minimum Pension Age with immediate payment of benefit if they have at least 2 years membership. If you take your pension benefits before your normal retirement age it will usually be reduced because you are getting it paid earlier – LGPS apply early retirement reduction factors - for more information refer to WYPF website or you can request a full estimate (see 4.2)
- 5.2 Change to normal minimum pension age - The Government sets the earliest age at which you can access your pension savings under normal circumstances – which you can check online at Early retirement, your pension and benefits: Personal and workplace pensions - GOV.UK . This is the normal Minimum Pension Age and is currently age 55, however it is rising to age 57 from 6 April 2028.
- 5.3 Employees who wish to retire and draw pension benefits at or after Normal Minimum Pension Age but before Normal Pension Age may be allowed to do under scheme rules, but this may be subject to a reduction of benefits. Employees who are considering this option should contact the Pension Administrator for more information.



5.4 If you were a member of the LGPS at any time between 1 April 1998 and 30 September 2006, some or all of your benefits could be paid in full before age 65 if you are protected by the 85-year rule. You can find out more about the 85-year rule from WYPF website or HR.

## 6 Flexible Retirement

6.1 Key principles of Flexible Retirement policy include:

- Participation is voluntary and initiated by the employee.
- Approval is at the employer's discretion and subject to operational feasibility and cost considerations.
- Employees are not required to resign to access pension benefits.
- Pension benefits may be subject to actuarial reduction unless protected (e.g. Rule of 85).
- Employees may continue to accrue pension benefits on their new salary.

6.2 Flexible retirement allows a Scheme member who is age 55 or over to move gradually into retirement at the discretion of their employer. The member can take all or part of their retirement benefits (both pension and lump sum) if:

- The employer consents and there has been a reduction in hours, or a reduction in grade (a move to a less senior position)

It is not a requirement of this policy that the employee reduces both hours and grade. If either condition applies, flexible retirement is possible.

6.3 The 85-year rule automatically applies to flexible retirements (if the Scheme member is protected by the 85-year rule), even when the flexible retirement occurs before age 60. If members are allowed to retire under flexible retirement, and they meet the 85 year rule between the ages of 55 and 60, there may be a pension strain cost to the employer as there is no option to switch the 85 year rule off in this instance. For more information on the 85 year rule go to ([LGPS | member home](#)).

6.4 If flexible retirement occurs before Normal Pension Age, the employer has the discretion to waive in whole or in part any actuarial reduction that would otherwise apply, if their discretions policy permits this. The employer will need to request an estimate of the cost (and the members own benefits) from the pension administrator. PSPS HR can request this on behalf of the employer and employee – please note this can take up to 12 weeks. If approved, the employer would meet the cost by making a strain on fund payment to the administering authority. Not all flexible retirements attract a cost, but some do, even where the members benefits are reduced.

6.5 Flexible retirement means that an employee age over 55 (changing to 57 in April 2028) may apply to receive their accrued pension benefit and to continue working, provided they have reduced their hours or grade.

6.5 Members who choose flexible retirement will get a pension from

- all their pre 1 April 2008 membership, plus
- some, all or none of their membership between 1 April 2008 and 31 March 2014, plus
- some, all or none of their membership after 31 March 2014.

6.6 It is really important that an employee explores all options and understands fully the financial implications of each.

6.7 The process to apply:

- Employee submits a written request with proposed changes via the HR Portal for Flexible retirement.
- The HR team will request any costs and support the line manager to review the proposed flexible working request, along with the costs.
- Approval will be in line with this policy and will be subject to service considerations, including factors set out at 5.8.
- The managers recommendation will go to the Head of Paid Service for approval in consultation with the S.151 Officer.
- If approved, HR notifies the pension administrator and West Yorkshire Pension Fund will then liaise directly with the employee regarding their pension fund.

6.8 The manager will consider the following factors before making a recommendation:

- The new role must be sustainable and meet organisational needs
- Any impacts on service
- the wishes of the individual
- Affordability (the financial cost to the council including any pension strain costs)
- the opportunities that may arise
- the pension regulations

6.9 The decision will be confirmed in writing to the employee indicating the decision, normally within 1 month of the employee submitting their request and figures being received from Pensions. If, after consideration, the request is refused, the reasons should be clearly communicated to the employee

6.10 There is no automatic right to flexible retirement. Both the early release of retirement benefits and the reduction in contractual hours and/or grade are at your employer's discretion, however, all requests will be managed in line with this policy.

- 6.11 Where flexible retirement cannot be supported on cost grounds employees should consider what other alternatives might be available to them, such as a straightforward reduction in contracted hours. An employer can agree to you reducing their hours or grade without allowing the release of your pension benefits, however, business impacts will be considered.
- 6.12 If your request for the release of your pension benefits is refused, as well as asking your employer to review their decision, you may also ask for a review more formally under the pension scheme Internal Disputes Resolution Procedure. This appeal will also be considered by your employer.
- 6.13 The Council will normally require a minimum reduction in contracted hours of at least 30% of contracted hours for full time employees. A similar minimum reduction of 30 per cent (on a pro rata basis) will normally be required for part time employees.
- 6.14 Any reduction in grade must be to a 'lower graded post' in the Council's pay structure to qualify, any appointment to vacant posts will be based on merit (and the individual will be appointed to the top of the scalepoint for that graded role). Where a flexible retirement package based on a reduction in grade is agreed, this will be on the basis of a mutually agreed variation of contractual terms and therefore the Council's pay protection policy will not apply.
- 6.15 The employee will receive the revised salary for the reduced hours and/or grade in addition to their pension benefits. There is no "abatement" (reduction) of pension, so in some circumstances the combined salary and pension may amount to more than the employee previously earned.
- 6.16 Employees may continue to accrue pension benefits on their new salary unless they "opt out"
- 6.17 An employee already on flexible retirement may request further flexible retirement arrangements. We will consider these in the same manner and following the same processes as outlined in this policy.

## **7 Ill Health Retirement**

- 7.1 If you have to leave work because of illness, your LGPS benefits may be paid straight away. Ill health benefits can be paid at any age.
- 7.2 Qualifying for ill health benefits - You must have met the two year vesting period in the LGPS to qualify for ill health benefits. Your employer must be satisfied that:
- you are permanently unable to do your job until your Normal Pension Age, and

- you are not immediately capable of undertaking gainful employment.

7.3 The council is responsible as your employer for getting the opinion of an independent occupational health physician which they appoint from the LGPS mandated list, before it makes its decision. The council may choose to get a 2<sup>nd</sup> independent medical opinion before making its final decision.

7.4 Gainful employment is defined as “paid employment for not less than 30 hours per week for a period of not less than 12 months”. The level of benefits depends on how likely you are to be capable of gainful employment after you leave.

7.5 If you qualify, what you are paid depends on which benefit tier you qualify for. Your employer decides on the appropriate tier, guided by the independent medical advice. The benefits payable under the different tiers, there are 3 Tiers under Ill Health retirement – Tier 1, Tier 2 and Tier 3.

Tier 1 if you are unlikely to be capable of gainful employment before your normal pension age.

Tier 2 if you are unlikely to be capable of gainful employment within three years of leaving, but you are likely to be capable of gainful employment before your normal pension age.

Tier 3 if you are likely to be capable of gainful employment within three years of leaving, or before your normal pension age, if this is earlier.

## 8. Additional Contributions

8.1 If you want to make additional pension savings to increase your pension benefits through your LGPS pension, there are two tax-efficient ways to do this.

### 8.1.A *Additional pension contributions (APCs)*

With APCs you buy extra pension in the LGPS. You pay extra contributions each month or buy them with a lump sum.

### 8.1.B *Additional voluntary contributions (AVCs)*

With AVCs you pay extra contributions into a LGPS AVC plan.

8.2 Before you choose a way to pay extra you should consider taking advice from an independent financial adviser. The existing AVC facility available via the Prudential Assurance Company where the employee is able to make such contributions.

## 9 Discretions

9.1 Employers are required to regularly review and to publish a list of their discretions.

9.2 The discretions in Appendix A (mandatory and non-mandatory) have been adopted by the Council. These discretions are used in conjunction with the guidance here [Discretions \(wypf.org.uk\)](https://www.wypf.org.uk).

9.3 The various discretions noted apply to specific groups of members of the Scheme based on their date of entry into the scheme.

9.4 Discretions are powers that enable employers to choose how to apply the rules of the Scheme in respect of certain provisions.

9.5 Discretions fall into two categories – those that must be formulated and published (Mandatory) and those that don't need to be formulated and published (non-mandatory). If a discretion has not been included in the table below then this discretion will not be exercised.

9.6 In applying this policy, the Council will ensure that:

- It applies the discretion reasonably, after taking account of all the relevant factors, for example the cost to the Council and where possible balanced against the benefit to the scheme member.
- That all discretionary decisions are recorded.

9.7 All requests by current employees for the exercise of discretion under the policy should, in the first instance, be made in writing to their Assistant Director who will liaise with HR over the approval process, with the exception of Flexible Retirement, see 6.7. The request should contain all the supporting information that the member considers relevant, and each request will be considered on its specific merits and circumstances.

Where an employee has left the council they should address their application to [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk) who will make the necessary arrangements for their request to be considered.

9.8 All decisions related to discretions under this policy are subject to approval by:

- Head of Paid Service in consultation with the S.151 Officer.

Pensionable pay - These are the earnings on which **pension contributions are deducted** and which count towards your pension benefits

1. **Basic salary or wages**
2. **Overtime (contractual and non-contractual)**
3. **Shift allowances**
4. **Bonus payments**
5. **Maternity, paternity, adoption, and shared parental pay**
6. **Honoraria (if regular and expected)**
7. **Additional hours for part-time staff**
8. **Market supplements (if paid regularly)**

**Examples of Non-Pensionable Pay (excluded):**

1. **Expenses or travel allowances**
2. **Redundancy payments**
3. **Severance or compensation payments**
4. **Pay in lieu of notice or holidays**
5. **Any payment made purely for loss of future earnings**

## **Appendix A: S&ELCP Pensions Discretions**

### **1. Introduction**

This outlines how South Holland District Council, East Lindsey District Council and Boston Borough Council will exercise its discretionary powers under the Local Government Pension Scheme (LGPS) Regulations 2013 and associated legislation.

### **2. Regulatory Background**

Under the LGPS, employers must publish a written policy on certain discretionary powers. This document fulfils that requirement.

### **3. Policy Statement**

The councils are committed to applying its discretions fairly, transparently, and in the best interests of both the Council and scheme members. Discretions have been determined based on affordability, reasonableness and with regards to foreseeable costs.

Some discretions are administered by WYPF as the Administering Authority rather than the scheme employer.

This document sets out the discretions adopted by South Holland District Council, East Lindsey District Council and Boston Borough Council and provides aligned suggestions for consistency and compliance.

### **2. Discretionary Policies**

Discretionary policies fall broadly in two categories – policies that the Councils are required to publish (mandatory) and ones that are not (non-mandatory).

#### **2.1 Mandatory Discretions:**

##### **Shared Cost Additional Pension Contributions (SCAPC)**

Whether to fund additional pension contributions (APCs) for an employee.

##### **Regulations: R16(2)(e) & R16(4)(d)**

**Policy:** The Council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis except where required under R15(5). Rationale to manage financial exposure while supporting employees in exceptional circumstances. The council will take into account any financial implications. The cost of this would fall on the employer, so the expectation is this discretion will only be exercised in exceptional circumstances and subject to any current maximum annual value set by LGPS or HMRC.

##### **Award of Additional Pension - Regulation: R31**



Whether to grant additional pension to a member (up to the limit set by the regulations).

**Policy:** The Council will not exercise this discretion due to the financial implications.

**Whether to permit Flexible Retirement Regulation: R30(6)**

Whether to permit flexible retirement for staff aged 55 or over, who with the agreement of the Scheme employer, reduces their working hours or grade and, if so as part of the agreement to permit flexible retirement.

**Policy:** The Council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis taking into account any financial and operational implications. Requests will only be considered where the reduction in hours would result in at least 30% reduction in gross pay and or a reduction of at least a grade. This discretion may only be used where the employing department can demonstrate that there is no adverse impact to services.

**If permitted (Flexible Retirement)- Whether to allow the member to choose Regulation: R 30(8)**

Whether in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw:

- All, part or none of the pension benefits they accrued after 31 March 2008 and before 1 April 2014, and/or:
- All, part or none of the pension benefits they accrued after 31 March 2014

**Policy:** The Council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis taking into account any financial implications. The cost of this would fall on the employer so expectation is this discretion will only be exercised in exceptional circumstances.

**Waiving Actuarial reductions on Flexible Retirement: Regulation: R 30(8), 3(5) of the LGPS (TPSA) Regs 2014, Reg 18 (3), R30 (6)**

Whether to waive, in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age

**Policy:** The Council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis taking into account any financial implications. The cost of this would fall on the employer so expectation is this discretion will only be exercised in exceptional circumstances.

## **Waiving Actuarial Reductions (excluding Flexible Retirement)**

### **Regulation: Regulation 30(8), TP3(1), TPSch 2, para 2(1), B30(5) and B30A(5)**

Whether to waive, in whole or in part, any actuarial reductions on benefits which a member voluntarily draws before normal pension age (excluding flexible retirement).

Employers can choose to waive some, or all of the reductions applied to pension benefits when a member retires early (from age 55 onwards). If they do, the cost of doing so (called the strain cost) must be paid by the employer to the pension fund.

There are four member groups, and the rules differ slightly depending on when they joined and when they reach age 60:

- Group 1 Joined before 1 Oct 2006 and reached age 60 before 1 Apr 2016, Employers
  - Can waive reductions on pre-April 2016 benefits on compassionate grounds
  - Can waive reductions on post-April 2016 benefits on any grounds
- Group 2 Joined before 1 Oct 2006, reach age 60 between 1 Apr 2016 and 31 Mar 2020, and meet Rule of 85 before 1 Apr 2020. Employers
  - Can waive reductions on pre-April 2020 benefits on compassionate ground
  - Can waive reductions on post-April 2020 benefits on any grounds
- Group 3 Joined before 1 Oct 2006, reach age 60 between 1 Apr 2016 and 31 Mar 2020, but don't meet Rule of 85 before 1 Apr 2020. Employers
  - Can waive reductions on pre-April 2014 benefits on compassionate ground
  - Can waive reductions on post-April 2014 benefits on any grounds
- Group 4 Joined after 1 Oct 2006. Employers
  - Can waive reductions on pre-April 2014 benefits on compassionate grounds
  - Can waive reductions on post-April 2014 benefits on any grounds

**Policy:** The Council will typically only exercise this discretion if:

- It is in the **financial or operational interest** of the employer.
- There are **compassionate grounds** that justify it.

- The **costs** of waiving the reduction can be justified and met.

The Council may waive actuarial reductions on compassionate grounds only in very exceptional circumstances. Each case will be assessed on its own merits. Rationale: To support employees facing hardship or caring responsibilities while balancing cost implications. Decisions will be made on a case-by-case basis with supporting evidence such as medical reports or financial statements. The Council allows for consideration to waive the actuarial reduction to benefits where the member has requested flexible retirement to care for a chronically ill spouse or partner. Compassionate grounds means that the scheme member is required to look after a long term sick dependent relative on a whole-time basis, is therefore unable to take up gainful employment and in consequence is suffering financial hardship. In addition, the Council will satisfy itself that the sick dependent relative has a permanent long-term condition with a reasonable life expectancy, having regard to their age. The member will need to provide evidence to demonstrate that all the criteria are met.

### **Determination of Contribution Banding Regulation: 9 (1) and 9 (3)**

Employers must determine the appropriate contribution rate for each employee, based on pensionable pay.

**Policy:** The Council will use the contribution rate defined in the regulations and apply it to employees who are members of the Pension scheme in accordance with their pensionable pay. Where an employee changes their employment within the Council and there is a material change to their pensionable pay during a year, the council will change the employee's contribution rates when the material change takes effect.

## **2.2 Non-Mandatory Discretions:**

### **Shared Cost AVC Regulation: 17 (1) and (2)(e)**

Whether how much and in what circumstances to contribute to a shared cost AVC arrangement.

**Policy:** this discretion will not be exercised

### **Extending the 30-day deadline for members to elect for a shared cost Shared Cost APC on return from period of absence Regulation: 16 (6)**

Whether how much and in what circumstances to contribute to a shared cost AVC arrangement.

**Policy:** this discretion will not be exercised

### **Forfeiture of Pension Rights Regulation: 91 (1)**

Whether to apply to the Secretary of State for a forfeiture certificate following a relevant criminal conviction.

**Policy:** The council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis taking into account any financial implications.

### **Interim Payments Discretion Regulation: 92**

Whether to suspend or withhold pension payments pending a forfeiture decision.

**Policy:** The council will reserve the right to exercise this discretion and will deal with it on a case-by-case basis taking into account any financial implications.

### **85-Year Rule Switch-On Regulation: TPSch 2, para 1(1)(c)**

This discretion is whether to allow the rule of 85 to apply to a member who has otherwise qualified for the rule and who is voluntarily electing to retire at or after reaching age 55 and before reaching age 60. Use of the discretion waives the actuarial reduction that would otherwise arise.

**Policy:** The Council has a policy of 'switching off' the rule by default but may switch it on at its discretion. This allows staff who meet the 85-year rule to retire early and take the actuarial reduction themselves at no cost to the Council, in this situation members can still retire early with reductions if the rule is not switched on.

### **Late Transfer Requests Regulation: 100(6)**

Whether to extend the 12-month time limit for a member to elect to transfer previous pension rights into LGPS.

**Policy:** Requests made outside the 12-month period will not be considered unless:

1) no previous option was given to the member due to a clear administration error;

- 2) Where there has been an administrative delay in processing the initial request, which was received within the 12 months of active membership, or
- 3) there is clear evidence they had not been informed of or could not have reasonably known the time limit.

### **Assumed Pensionable Pay (APP) Regulation 22(7)(b)**

Whether to include certain payments in the calculation of APP when a member is on reduced or nil pay.

**Policy:** The Council will include in the Assumed Pensionable Pay (APP) calculation any regular lump sum payments where it is judged that it is reasonable to assume they would have been paid.

### **Issuing certificate of protection of pension benefits - Regulation: LGPS (Transitional Provisions) Regulations 2014, specifically related to final salary protections.**

This discretion allows an employer to issue a certificate of protection of pension benefits on behalf of a member if the member fails to request one themselves, in situations where:

- The member's pay is reduced or restricted, and
- They are entitled to final salary protections (typically for service before 1 April 2014).

The certificate helps ensure that the member's final salary benefits are calculated using the higher pay they previously earned, rather than the reduced pay.

**Policy:** The Council reserves the right to exercise this discretion and will deal with it on a case-by-case basis.

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<b>Report To:</b>	Full Council
<b>Date:</b>	10 <sup>th</sup> November 2025
<b>Subject:</b>	Licensing Act 2003 - Statement of Licensing Policy
<b>Purpose:</b>	To adopt the proposed Statement of Licensing Policy
<b>Key Decision:</b>	No
<b>Portfolio Holder:</b>	Councillor Christopher Mountain, Portfolio Holder for Infrastructure
<b>Report Of:</b>	Christian Allen, Assistant Director – Regulatory
<b>Report Author:</b>	Anna McDowell, Senior Licensing Officer
<b>Ward(s) Affected:</b>	Not applicable
<b>Exempt Report:</b>	No

## Summary

Section 5 of the Licensing Act 2003 requires that the Licensing Authority prepare, consult on, and adopt a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement of Licensing Policy must be reviewed and published every five years.

A revised Statement of Licensing Policy is required, by law, to be adopted by 31 January 2026.

## Recommendations

That Council adopt the Statement of Licensing Policy, following which it will be published by the statutory deadline.

## Reasons for Recommendations

To ensure the Council comply with their duty to publish a revised policy by the statutory deadline.

## **Other Options Considered**

Council resolves not to adopt the Statement of Licensing Policy. This option is not recommended as this course of action would result in a failure to meet the statutory requirement set out in the Licensing Act 2003.

### **1. Background**

- 1.1 Legislation requires that the licensing authority publishes a statement of its Licensing Policy every five years. The Policy sets out the approach the licensing authority will generally apply to promote the four licensing objectives when carrying out its functions under the Act. Those objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm
- 1.2 The Policy Statement is provided to assist applicants in understanding what the licensing authority seeks to achieve through the promotion of the licensing objectives, the factors that influence the licensing objectives and the control measures that could be implemented by applicants. The Policy also 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.

### **2. Report**

- 2.1 The Licensing Committee considered the draft Statement of Licensing Policy on 10 June 2025 and resolved that the statement be consulted on. Consultation took place between 23 June 2025 and 17 August 2025.
- 2.2 Following the consultation, responses were considered by the Licensing Committee on 23 September 2025 and where appropriate, amendments were made. A copy of the report, detailing the consultation feedback considered by the Committee is attached at **appendix 1**.
- 2.3 The Licensing Committee resolved that the revised Statement of Licensing Policy be presented to Council along with a recommendation for adoption and publication. The proposed Statement of Licensing Policy, highlighting in green the inclusions and amendments made, is attached at **appendix 2**.

### **3. Conclusion**

- 3.1 There is a statutory requirement to review the Statement of Licensing Policy every five years, and this must be completed by the end of January 2026. Failure to adopt and publish the Statement of Licensing Policy by the deadline would leave the Licensing Authority open to challenge.
- 3.2 Consultation has been carried out in accordance with the requirements of the Act and consultation responses have been put before the Licensing 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 final policy is presented to Council for approval.

## **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 South Holland District 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 and is designed to encourage the promotion of 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	Report detailing consultation responses considered
Appendix 2	Statement of Licensing Policy

## **Background Papers**

None

## **Chronological History of this Report**

A report on this item was considered by the Licensing Committee on 10 June 2025.

A report on this item was considered by the Licensing Committee on 23 September 2025

## **Report Approval**

Report author:	Anna McDowell, Senior Licensing Officer <a href="mailto:anna.mcdowell@boston.gov.uk">anna.mcdowell@boston.gov.uk</a>
Signed off by:	Christian Allen, Assistant Director - Regulatory <a href="mailto:christian.allen@boston.gov.uk">christian.allen@boston.gov.uk</a>
Approved for publication:	Councillor Christopher Mountain, Portfolio Holder for Infrastructure <a href="mailto:chris.mountain@boston.gov.uk">chris.mountain@boston.gov.uk</a>



**Report To:** Licensing Committee

**Date:** 23 September 2025

**Subject:** Licensing Act 2003 Draft Statement of Licensing Policy

**Purpose:** To review responses to public consultation

**Key Decision:** No

**Portfolio Holder:** Councillor Christopher Mountain

**Report Of:** Christian Allen – Assistant Director – Regulatory

**Report Author:** Anna McDowell – Senior Licensing Officer

**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 Licensing Committee resolve not to approve the Statement of Licensing Policy.

### 1. Background

- 1.1 The Licensing Committee convened on 10 June 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 The Committee determined to commence consultation and invite representation on the proposed policy. It was agreed that any responses from the consultation would be referred to a future meeting of the Licensing Committee for consideration.

### 2. Report

- 2.1 Consultation commenced on 23 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 had been received from Lincolnshire Police.

#### 2.1.1 Responses

- 2.1.1 Lincolnshire Police submitted comments on several areas of the proposed policy. The full content of the Police's feedback is attached at **appendix 1**. However, in summary they have asked for consideration to be given to:

- The inclusion of additional wording at section 4, which references that the Authority will expect applicants to demonstrate knowledge of the area in which the premises are situated, to include information relating to the Public Space Protection Order which is in place within the Borough.
- A request that Boston Borough 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 are relevant to an 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 information is added at paragraph 4.1.3 to reference consideration to ensuring that windows are 75% free from obstruction. If the Committee are minded to add this information, it will also be reflected within the PSPO section at 35.3.

- The addition of wording at paragraph 4.4 where the policy refers to age verification policies to incorporate all forms of government issue digital ID documents into the list of acceptable documents.
- The addition of paragraphs to section 13 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.
- The addition of wording under section 35.3 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.

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 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 South Holland District 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 Licensing Committee on 10 June 2025.

### **Report Approval**

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**BOSTON BOROUGH COUNCIL  
LICENSING ACT 2003  
STATEMENT OF LICENSING POLICY**

Adopted  
Published  
Effective

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# **BOSTON BOROUGH COUNCIL LICENSING AUTHORITY STATEMENT OF LICENSING POLICY**

## **Executive Summary**

The Licensing Act 2003 (the Act) came into effect in 2005. Section 5 of the Act requires the Licensing Authority (Boston Borough Council) to determine and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act. This process must be repeated every 5 years. The Licensing Authority must also keep the policy under review during each five-year period and make any such revisions it considers appropriate. The policy was last adopted and published in January 2021.

Any decision taken by the Licensing Authority, concerning the determination of licences, certificates and authorisations, will aim to promote the licensing objectives which are:

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

The Licensing Authority has the ability to grant licences for premises and certificates for qualifying club premises. It also grants personal licences and accepts Temporary Event Notices.

Applicants for premises licences and club premises certificates should be aware of the expectations of the Licensing Authority and Responsible Authorities regarding the steps that are appropriate for the promotion of the licensing objectives.

Responsible Authorities, Councillors, members of the public and businesses are able to have their say and have their opinion heard through public consultation on this policy, and by making representations about applications for premises licences and club premises certificates, or by requesting reviews of the same where problems arise.

## 1 Introduction

- 1.1 Boston Borough Council is situated in the south of the county of Lincolnshire, which contains 7 district councils in total. The Borough has a population of **70,500 (Office for National Statistics)** and is the smallest district in the County in terms of population. In terms of area it is the second smallest, covering 139 square miles. The council area is mainly rural with an urban area comprising of Boston town itself.

## 2 The Licensing Act 2003

- 2.1 Boston Borough Council as Licensing Authority (hereinafter referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies and principles that the Licensing Authority will apply when making decisions on applications for:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club;
- The provision of regulated entertainment; and
- The provision of late-night refreshment.

The term licensee/licence holder is deemed to include licence holders, designated premises supervisors and club premises certificate holders.

This policy is intended to provide clarity to applicants, responsible authorities and other persons on how this Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment premises. Guidance, and best practice is available to assist applicants; this guidance does not form part of this Policy. The Licensing Authority will take this Policy into account if its discretion is engaged (i.e. at a hearing following relevant representations or a review hearing)

- 2.1.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the 4 licensing objectives. These are:

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

- 2.1.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with the Borough Council, its neighbouring authorities, the Police, Responsible Authorities, local businesses and local people towards the promotion of the objectives.

- 2.2 In preparing this policy statement the Licensing Authority has consulted with the following:

- Lincolnshire Police
- responsible authorities as defined by the Act
- representatives of licence holders and club premises certificate holders
- local businesses and their representatives

- local residents and their representatives
- Boston Borough Council Elected Members
- Parish Councils
- Other persons and organisations that the Authority considered could contribute to this Policy

A full list of consultees is available from the Licensing Section on request.

Appropriate weight has been given to the views of all those consulted prior to this policy statement taking effect.

2.3 In developing this Policy, the Licensing Authority took into account the legal requirements of the 2003 Act and had regard to other legislation and guidance, including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough
- The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses
- The Provision of Services Regulations 2009 to ensure requirements are:
  - Non- discriminatory.
  - Justified by an overriding reason relating to the public interest.
  - Proportionate to that public interest objective.
  - Clear and unambiguous.
  - Objective.
  - Made public in advance, and
  - Transparent and accessible
  - Human Rights Act, 1998
  - Violent Crime Reduction Act, 2006
  - Policing and Crime Act, 2009
  - Police reform and Social Responsibility Act, 2011
  - Live Music Act, 2012
  - Anti-Social Behaviour, Crime and Policing Act, 2014
  - The Legislative Reform (Entertainment Licensing) Order, 2014
  - Deregulation Act, 2015
  - Immigration Act, 2016
  - Equality Act, 2010

2.4 The Act describes two “bodies” that may make representations to licence applications and may apply for an existing premises licence to be reviewed by the Licensing Authority, Responsible Authorities and “other persons”. Responsible Authorities are defined in the Act.

2.5 “Other persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives and must not be considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitious.

- 2.6 The Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or a review, this authority will examine the content of the representation particularly closely. The authority will expect the author to explain in detail how, in terms of the licensing objectives, they would be affected by the application. The Licensing Authority will consider rejecting any representation or review application which does not include sufficient detail to outline harm or disturbance which may be caused.
- 2.7 The purpose of licensing is to control licensed premises and other events within the terms of the Act. Where responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, it is the duty of the Authority to grant a licence or certificate subject to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself. The Licensing Authority will not impose any further conditions unless its discretion has been engaged following the making of relevant representation(s). It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representation(s).
- 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
- 2.9 The Licensing Authority will discharge its responsibilities identified by other Local and Government strategies and policies, so far as they impact on the objectives of the Licensing Act. Some examples of these strategies and policies are:
- Government Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
  - Safer Clubbing
  - Community Safety Strategy.
  - Public Space Protection Order (PSPO) Home Office guidance or any successor to this.
- 2.10 The Licensing Authority takes the following approach to the decision-making process:
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making;
  - Other persons can include residents’/ tenants’ associations, community associations, trade associations and elected members. Councilors’ may represent

- other persons, providing they do not also sit on the Licensing Sub- Committee determining the application in question.
- We will give clear reasons for our decisions.

Where valid representations are made applications will be considered by a Licensing Sub- Committee (consisting of Councillors); we give applicants, responsible Authorities and other persons an equal opportunity to state their case in accordance with our protocol, which is available from the Licensing 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
- 2.12 The Licensing Authority is committed to the implementation and application of this policy in such a manner and to ensure that no applicant or other person is treated less favourably on the grounds of sex, marital status, race, nationality, ethnic or national origin, colour, disability or age, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified either in licensing terms or as a requirement of law. An Equality Impact Assessment has been undertaken with respect to this policy
- 2.13 The Licensing Authority is fully committed to promoting equal opportunities and non-discriminatory practice. For further information please see: [Equality and Diversity - Boston Borough Council](#)

### 3 Integrated Strategies and the Avoidance of Duplication

- 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.
- 3.2 By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.
- 3.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Committee may therefore receive and may act upon relevant reports concerning:
- crime and disorder
  - community safety issues
  - needs of the local tourist economy
  - employment situation in the area and the need for new investment and employment where appropriate
  - planning considerations which might affect licensed premises
  - local transport arrangements

- impact of licensing on regulated entertainment and particularly live music and dancing with reference to any cultural strategy
- any other reports considered appropriate to the licensing function

3.4 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. There are several key differences between licensing and planning control. 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. Planning control relates to use of the premises. The grant of planning permission should not be a presumption that a premises licence will automatically follow and vice versa. Additionally, there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.

3.5 Applicants are strongly encouraged to make any necessary applications for Planning Permission/Building Regulations approval permission before or at the same time as they make an application for a licence/club premises certificate. Furthermore, to reduce the risk of being subject to planning enforcement, applicants are advised to ensure that:

- the activity to be authorised by the premises licence or club premises certificate is a lawful planning use; and
- the hours sought do not exceed those authorised by any planning permission.

3.6 In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

3.7 In order to avoid duplication with other existing legislation and regulatory regimes the Licensing Authority will not attach conditions to the licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will be considered unnecessary if they are already adequately covered by other legislation.

3.8 Conditions (other than mandatory conditions and those in the applicant's operating schedule) may not be attached to a premises licence or club premises certificate unless the application has been the subject of a relevant representation.

## 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](mailto:licensing@boston.gov.uk)***

## 4.1 Prevention of crime and disorder

- 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.
- 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.
- 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:

- Physical security features e.g. use of toughened, polycarbonate or plastic drinking Glasses.
- Procedure for risk assessment of alcohol promotions to ensure they do not promote irresponsible drinking or potentially breach the mandatory condition on irresponsible drinks promotions.
- The use and number of Security Industry Authority (SIA) registered door Supervisors.
- Amount of seating to be provided to reduce the risk of high-volume vertical drinking.
- Training given to staff in crime prevention and drug awareness measures.
- Measures agreed with the Police to reduce crime and disorder.
- Measures to prevent the use or supply of illegal drugs.
- Search procedures.
- Formalisation of a dispersal policy.
- Measures to prevent customers taking glasses and bottles away from the premises
- Training given to staff to prevent the sale of alcohol to those who are underage 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 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.**

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.

- 4.1.4 The British Beer and Pub Association (BBPA) has consolidated good practice on combating violence in licensed premises into a guide to risk assessment. This is available on the BBPA's website: [www.beerandpub.com](http://www.beerandpub.com).

## 4.2 Public Safety

- 4.2.1 The Licensing Authority will carry out their licensing functions with a view to promoting public safety and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

The Licensing Authority encourages applicants to include in their operating schedules the

steps they propose to take to promote public safety.

4.2.2 Where an applicant identifies an issue in regard to public safety, which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety.

4.2.3 Depending on the individual style and characteristics of the premises and/or events the following issues may be of relevance:

- Use of equipment and effects
- Levels of door supervision
- Measures to prevent the supply and use of illegal drugs
- Physical safety features e.g. use of toughened glass, polycarbonate and plastic containers
- Fire evacuation procedures
- Provision of CCTV (see para 7.1.3)
- Occupancy figures

**4.2.4 *The safety of those using licensed premises and the night-time economy, is an important factor which the Licensing Authority, licence applicants, and licence holders must take into consideration. Incidents of spiking of drinks and spiking by injection are on the increase nationally and as such the Home Office has published a national strategy on tackling the matter. Applicants and licence holders are encouraged to:***

- ***make sure staff are trained to identify and report issues, including awareness and safety of lone customers leaving the venue, especially if the customers appear vulnerable and unwanted contact between customers.***
- ***make sure the correct staff are in place, for example in a town centre venue door supervisors may be required, if you are a late-night venue a member of staff to deal with customer welfare may also be required.***
- ***make sure staff are aware of the closest taxi rank and licensed vehicles that offer an evening/late night services and have contact details available for taxi and private hire firms, booking a vehicle for customers if needed.***
- ***have a safe place to take customers if required.***
- ***have systems in place to prevent drugs from entering the premises and dealing with issues of drug use, for example, regular checks of toilets.***
- ***ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the Police. It is also helpful to the Police if staff at licensed premises obtain full details and description of the person reporting the incident.***
- ***Record all details of the incident in the premises incident book.***
- ***Secure the drinking vessel(s) that is suspected of being spiked, and the drinking vessel of the suspect, so this can be tested at a later time.***
- ***Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends, offering assistance if needed, and providing a safe space for the customer.***
- ***Premises should also review the functionality of any CCTV and ensure it is not obscured.***

- **Consider providing information (such as posters) regarding drink spiking in the premises.**
- **Consider use of anti-spiking bottle stoppers and protective drink covers.**

**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:**

**Ask For Angela - Ask for Angela is a non-profit scheme that aims to ensure that anyone who is feeling vulnerable or unsafe, regardless of gender or sexuality, can get the support they need. This initiative advises customers, through posters in venue toilets that, if they 'Ask for Angela' at the bar, staff will be alerted to the fact that the person feels unsafe or threatened. Staff will know that the individual needs support to leave their situation, and can call them a taxi, escort them to their car or call the Police. Applicants and licence holders can find out more about the scheme at [www.askforangela.co.uk](http://www.askforangela.co.uk)**

**Best Bar None - a national award scheme, supported by the Home Office, that aims to improve standards in local night-time economies by sharing and promoting best practice. Best Bar None accredited venues have been assessed for their commitment to excellence in safety, customer service, and responsible alcohol management practices. Applicants and licence holders can find out more about the scheme at [www.bestbarnone.com](http://www.bestbarnone.com)**

**Licensing SAVI - a police backed self-assessment tool designed to help licensed premises provide a safer and more secure environment for their managers, staff, customers and local communities. Applicants and licence holders can find out more about the scheme at [www.licensingravi.com](http://www.licensingravi.com)**

**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.**

- 4.2.6 It will be the responsibility of licence/certificate holders/designated premises supervisors to ensure they have complied with all Health and Safety legislation.
- 4.2.7 Where a premise is on a vessel for which a current Passenger Ship Certificate is in force, the public safety objective can generally be considered to be met in respect of the layout, structure, access arrangements and operation of the vessel.
- 4.2.8 Whilst the Licensing Authority cannot require documentation regarding risk assessments to be attached to the operating schedule, it considers such risk assessments to be good practice. Risk assessments, including fire risk assessments, are a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of needing to make an application for variation of a premises licence or in response to changing circumstances/conditions at the premises.

## 4.3 Prevention of Public Nuisance

- 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.
- 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.
- 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
  - The occupancy capacity of the premises (Where appropriate)
  - The availability of public transport to facilitate dispersal of customers
  - A ‘wind down period’ between the end of the licensable activities and the closure of the premises
  - Last admission time
  - The formulation of a dispersal policy
  - Control of nuisance from persons using outside areas and in particular smoking areas.
- 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)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour
- Undertaking noise impact assessments
- Regular assessments of the noise coming from the premises when used for regulated entertainment and steps to control the level of noise so as not to cause disturbance to local residents.
- Regular assessment of any noise coming from outside areas, including smoking areas, and steps to control the level of noise so as not to cause disturbance to local residents.
- Keeping a written record of assessments in a logbook kept for that purpose including, the time and date of the checks, the person making them and the results including any remedial action.
- Identifying smoking areas in operating schedules to enable responsible authorities to appraise proposals with a view to promoting the prevention of public nuisance licensing objective.
- Keeping external doors (except for access and egress) and windows closed when regulated entertainment is being provided except in the event of an emergency.
- The disposal of empty glass bottles not being undertaken externally between 23.00 hours and opening hours on the following day on every day of the week.
- 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.

#### 4.4 Protection of children from harm

- 4.4.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered necessary to do so to protect them from harm. It is hoped that family friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

The protection of children from harm includes protection of children from moral, psychological and physical harm.



4.4.2 When receiving relevant representations and deciding whether to limit access to children, other than in circumstances where the law demands their access to be limited, applicants, licence holders, and certificate holders should consider the activities carried on at the premises. Examples which may give rise to concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)

4.4.3 Films - In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself. Applicants will be expected to explain in their operating schedule the steps they intend to take to ensure children and young persons do not gain access to films with a restricted access classification.

Where a film is to be shown locally within the authority's area and has not been classified by the British Board of Film Classification, an application can be made to the Authority for the film to be classified. Applications should be made in accordance with the guidelines set out by the British Board of Film Classification. These guidelines can be found at: [www.bbfc.co.uk](http://www.bbfc.co.uk).

4.4.4 Theatres- In certain cases it may be necessary to impose a condition to restrict the admission of children to theatres, which are incorporating adult entertainment in their productions.

4.4.5 Where a large number of children are likely to be present on any licensed premises and representations are received; conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm. Where the Licensing Authority considers it appropriate, following receipt of relevant representation(s) it may require the adult supervisors (being persons over the age of 18) to be subject to a criminal record check. The onus will be on the Premises Licence holder to ensure that staff members are suitable to carry out the supervision of children, which may include criminal record disclosure from the Disclosure and Barring Service (DBS).

4.4.6 The options available for limiting access by children would include:

- Limitations of the hours when children may be present
- Limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18 years);
- Requirements for accompanying adults (including for example, a requirement which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 years of age from the premises when any

licensable activities are taking place.

4.4.7 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder/certificate holder or designated premises supervisor.

4.4.8 The body responsible for the interests of children is Lincolnshire Safeguarding Children Partnership

Lincolnshire Safeguarding Children Partnership can be contacted through Lincolnshire County Council.

The reasons the Licensing Authority has chosen the above as a Responsible Authority competent to advise it on the protection of children from harm are:

- That this body is answerable to democratically elected persons and is not answerable to a particular vested interest group;
- That this body is responsible for the area covered by this Licensing Authority and this policy;
- That this body is experienced in dealing with the protection of children.

4.4.9 In respect of premises licensed for the sale of alcohol, The Portman Group Code of Practice on The Naming, Packaging and Promotion of Alcoholic Drinks should be followed to ensure drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.

4.4.10 The sale of alcohol to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses. Applicants should detail adequate control measures in their operating schedule to prevent under-age sales. The Licensing Authority recognises that Lincolnshire County Council Trading Standards Service, as part of its responsibilities and duties under the legislation controlling the sale of age restricted products, including alcohol, provides advice and guidance on the controls and systems that may be adopted to help prevent such sales. Applicants are strongly advised to contact Trading Standards for advice on this matter. The Licensing Authority also recognises that in liaison with the Police, the Trading Standards Service conducts covert test purchasing exercises to check compliance with the law.

Challenge 25 – The mandatory licence conditions, introduced in October 2014, require relevant premises to hold an age verification policy in relation to the sale or supply of alcohol. The Licensing Authority supports the adoption of the Challenge 25 Schemes (or similar scheme) for licensed premises.

A suitable proof of age policy adopted by a licence holder should require the production of a photo-driving licence, passport **or any government approved digital ID before sale of alcohol or entry into relevant premises**. For added security, licence holders are encouraged to consider use of the Proof of Age Standards Scheme (PASS) and accept cards showing the PASS logo.



4.4.11 Where licence holders wish to employ children, they should ensure that the legislation regarding this matter is complied with and any necessary permits to work have been obtained. Further information on the requirements of this legislation is available from the Lincolnshire Safeguarding Children Board.

**4.4.12 The Licensing Authority encourages licence holders and operators of licensed premises to:**

- ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and**
- raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.**

## **5 The Licensing Process**

- 5.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority in accordance with the provisions of the Act. Delegated powers are in accordance with the table at Appendix 1. This table does not form part of the policy and may therefore be amended without consultation with statutory consultees.
- 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.
- 5.3 Other than electronic applications applicants are reminded that documents submitted as part of an application which bear a signature, criminal record certificates, criminal conviction certificates, subject access documents and licensing qualifications must be original documents. Faxes and photocopies are not acceptable unless with the prior agreement of the Licensing Authority.
- 5.4 Applicants for any authority or permission are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned. The Licensing Authority will endeavour to explain why the application is considered to be deficient and will invite the applicant to re-submit the application with all the required information. Application forms will not be returned where they contain obvious and minor factual errors that can easily be amended. It is the responsibility of the applicant to send a copy of their application and any other relevant documentation to each of the Responsible Authorities, unless the application has been properly made electronically, in which case it is the responsibility of the Licensing Authority to circulate it. Where applicants fail, after being reminded, to copy applications to Responsible Authorities, or they resubmit applications which are still deficient, the application will be rejected. Re-submission of an application following rejection will be subject to the statutory advertising requirements.
- 5.5 A main part in ensuring compliance with the Act, and in particular showing how the four licensing objectives are to be achieved, is the “operating schedule” for the licensed premises. The operating schedule forms part of the licence application. The schedule will aid any Responsible Authority or other party to assess whether the steps to be taken to

promote the licensing objectives are satisfactory. The schedule will form part of the conditions of the licence or certificate, if granted. The Licensing Authority will work with the licensees and applicants by providing guidance notes on the completion of the schedules. However, the responsibility for drawing up the operating schedule rests with the applicant. The operating schedule should detail the manner in which the business will be run, and the steps/controls put in place to meet the licensing objectives. Any individual preparing an operating schedule is free to volunteer any measure as a step he or she intends to take to promote the licensing objectives. The operating schedule must specify all types of entertainment which will take place at the premises

- 5.6 Applications for minor variations may be subject to consultation with the appropriate responsible authorities and will be refused if any responsible authority indicate that they would make a representation on the proposed minor variation.
- 5.7 In an effort to avoid unnecessary hearings, applicants are strongly advised to prepare risk assessments and from these formulate any steps they consider necessary to promote the licensing objectives and then to consult with the responsible authorities as defined within the Act before submitting their applications. Failure to do so may lead to representations which can only be determined by the Licensing Sub-Committee. In respect of minor variations applicants are strongly advised to contact the appropriate responsible authorities before formally submitting their application in order to avoid unnecessary expense.
- 5.8 Account will be taken of the need to encourage and promote all types of entertainment, including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance from these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 5.9 The guidance issued by the Home Office indicates that representations can be made in opposition to, or in support of, an application. With this in mind the Licensing Authority would remind all parties that all representations (both for and against an application) must relate to the promotion of the licensing objectives.
- 5.10 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

## 6 Premises Licences/Club Premises Certificates

- 6.1 Applicants will be required to submit their application in the form detailed in regulations made under the Act. Applicants will be required to submit, with their application for a premises licence, club premises certificate, Provisional Statement or a variation to their existing premises licence or club registration certificate, an Operating Schedule detailing:
- The licensable activities to be conducted on the premises;
  - The times during which it is proposed that the relevant licensable activities are to take place;
  - Any other times when the premises are to be open to the public or to members of a club;

- Where the licence is required only for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name, address and licence number of the individual to be specified as the designated premises supervisor;
- Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
- The steps the applicant proposes to take to promote the licensing objectives.

## 6.2 Applications will be determined having regard to:

- This Policy
- The Licensing Act 2003 and subordinate legislation.
- Guidance issued by the Home Office
- Any relevant representations received (provided they are not determined to be frivolous or vexatious).

## 6.3 LARGE SCALE EVENTS - Organisers of large events, major festivals and carnivals should approach the Licensing Authority and Responsible Authorities at the earliest opportunity to discuss arrangements for the licensing of those activities falling within the provisions of the Licensing Act 2003. In respect of some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. Anyone wishing to hold such an event should notify the Licensing Authority no less than 6 months before the event is due to happen. This will allow time for the preparation of a substantial operating schedule, by the applicant, which may be required to ensure promotion of the licensing objectives. The Licensing Authority will expect applicants applying for permissions to stage events, which draw in large numbers of people and/or have an impact on the road network, to have consulted with the Boston Safety Advisory Group and Lincolnshire County Council (as the Highways Authority).

## 7 Late Night Refreshment Premises

### 7.1 With regard to premises providing late night refreshment for consumption off the premises, the Licensing Authority will (on the receipt of relevant representations) carefully consider the level of nuisance likely to be caused by way of noise and litter/food refuse being deposited in the vicinity of the premises. Applicants should consider proposing practical steps in their operating schedule to reduce the likelihood of such problems.

## 8 Minor variations of Premises Licences

### 8.1 Officers acting under delegated powers will determine applications for the minor variation of a premises licence. Any application which does not qualify as a minor variation will be rejected. Licence holders are encouraged to use the minor variation process to add the provision of live music to a licence. However, the Licensing Authority will not consider the addition of live music between midnight and 0900hrs as a minor variation. Such application would require a full variation application.

## 9 Licence Hours

### 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.

- 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.
- 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.

## 10 Personal Licences

- 10.1 A person wishing to sell or supply, or authorise the sale or supply of alcohol, for consumption on or off a licensed premises will need to apply for a Personal Licence. The Licensing Authority strongly encourages premises licence holders, where alcohol is being sold, to ensure that there are sufficient personal licence holders present at the premises to ensure adequate supervision of the sale of alcohol. In circumstances where the Personal Licence holder has delegated the responsibility for the sale of alcohol, they will still have a duty of responsibility for the actions of those they have authorised to make those sales.
- 10.2 Applicants for a personal licence are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned.
- 10.3 Where an application for a personal licence reveals a disclosable conviction for a relevant offence under the Act, the Licensing Authority acknowledges that the Police carry out full and proper enquiries (including interviewing applicants as necessary) so as to provide evidence as to the reasons the crime prevention objective will be undermined by the grant of the licence.
- 10.4 Where a personal licence application reveals an unspent conviction for a relevant offence and the police object to the application, the Licensing Authority will normally refuse such an application unless there are exceptional and compelling circumstances to justify granting the licence. Any application for a personal licence, which is the subject of a police objection, will be considered at a licensing hearing which the applicant may attend and be heard.

## 11 Designated Premises Supervisor

- 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.
- 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.
- 11.3 This Licensing Authority recommends that the DPS undergoes relevant training, such as the Designated Premises Supervisor course provided by the British Institute of Innkeeping Awarding Body, in order that they are made aware of the responsibilities this position brings with it.

## 12 Temporary Event Notices

- 12.1 Where there is an event with less than 500 attendees at any one time, including staff, which involves licensable activities for a period of up to 168 hours, premises users may serve a Temporary Event Notice.
- 12.2 Temporary Event organisers are encouraged to submit their notifications to the Licensing Authority as soon as is reasonably practicable in order for the Police and Environmental Health to consider whether or not there are any concerns and where there are concerns, to enable all parties to take the necessary steps to resolve them. The Licensing Authority recommends that at least 20 working days' notice be given. Under the provisions of the Act normally at least 10 working days' notice must be given. Persons are however permitted to submit a limited number of late TENs between 5 and 9 working days before and event. Working days do not include the day of service of the notice, the day of the event, Saturdays, Sundays or Bank holidays. Where less than 5 working days' notice is given, or 10 working days if the number of permitted late TENs has been reached, the notice WILL NOT be accepted. Provision of licensable activities except in accordance with the Licensing Act is an offence.
- 12.3 It should be noted that the Police and the Borough's Environmental Health (Pollution) are the only bodies who may make representations to a TEN. However, these two bodies may only object to a TEN on the grounds that one or more of the licensing objectives would not be promoted should the event go ahead. Where objections are received to a late TEN the notice will, as required under the provisions of the Act, be rejected. Where objections are received to a standard TEN the matter will be heard by a Licensing Sub- Committee. The Sub-Committee may:
  - Allow the TEN to go ahead
  - Reject the TEN
  - If the premises where the TEN is proposed to take place already has a premises

licence the Sub-Committee may allow the TEN but impose some, or all, of the conditions on the premises licence onto the TEN if appropriate to do so for the promotion of the licensing objectives.

Licensing legislation allows event organisers to submit up to 10 Late TENs per year if they hold a personal licence and 2 late TENs if they do not hold a personal licence.

### 13 Review of Premises Licences and Club Premises Certificates

- 13.1 The Licensing Authority will consider the full range of powers available to it when an application for review of a licence or club premises certificate is heard. It will however be mindful of the need to prevent the review process being used as an opportunity by Responsible Authorities and other persons to re-run earlier representations without due cause. The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives. Reviews of licences may be triggered at any stage by Responsible Authorities or other persons due to a matter arising at the licensed premises and relating to one of the four licensing objectives. It is the Licensing Authority's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews should therefore be mainly reserved for circumstances where early warnings of concerns, where appropriate, and the need for improvement have gone unheeded by the management of the licensed premises.
- 13.2 This Authority emphasises the importance of all parties working in partnership to achieve the promotion of licensing objectives; the Authority expects that Responsible Authorities will aim to give licensees early warning of any concerns identified at a premises.
- 13.3 Responsible Authorities and other persons (e.g. local residents, local organisations and Boston Borough Council Councillors) can apply for the review of a licence; the Licensing Authority itself can also initiate the review process.
- 13.4 When acting as a Responsible Authority the Licensing Authority will operate in accordance with the Home Office Guidelines to Licensing Authorities. There will be a clear and identifiable separation of responsibilities. The Head of Service for the area of concern leading to the need for review (or an officer so directed by them) will initiate any premises reviews or make any relevant representations in relation to licence applications. Reviews will not be initiated, or representations made, by the licensing team who shall process applications, administer application and review hearings and offer advice to the Licensing Authority.

However, the Licensing Authority does not, as a general rule, intend to act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups). Such parties can make relevant representations in their own right, and it is reasonable to expect them to make representations themselves where they are reasonably able to do so.

- 13.5 The Licensing Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.



### 13.6 Criminal activity

*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.*

*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.*

*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.*

## 14 Cumulative Impact

- 14.1 Cumulative impact has been described within the S182 Guidance since the commencement of the 2003 Act. Cumulative Impact Assessments were introduced into the Act by the Policing and Crime Act 2017 with effect from April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. This should not, however, be confused with 'need'. Need concerns the commercial demand for another pub, restaurant or shop and is a matter for the market and not a matter for the licensing authority to consider in discharging its licensing functions or for its statement of licensing policy. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority to consider.

Where the number, type or density of licensed premises selling alcohol is high or exceptional and serious problems of nuisance and disorder may arise outside or some distance from those premises and where there is sufficient evidence, this authority will consider adopting a cumulative impact policy. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queueing for fast food outlets or for public transport.

A Cumulative Impact Assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing

objectives. CIAs relate to applications for new premises licences and club premises certificates in a specified area.

- 14.2 The absence of a cumulative impact policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.
- 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.
- 14.4 There must be an evidential basis to include a special policy within the statement of licensing policy. Information which may be considered to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes;
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - Statistics on local anti-social behaviour offences;
  - Health related statistics such as alcohol-related emergency attendances and hospital admissions;
  - Environmental health complaints, particularly in relation to litter and noise;
  - Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
  - Residents' questionnaires;
  - Evidence from Local and Parish Councillors;
  - Evidence obtained through local consultation.
- 14.5 After considering the available evidence and undertaking appropriate consultation this licensing authority may be satisfied that it is appropriate to adopt a special policy in relation to cumulative impact. At present there are no policies in relation to cumulative impact adopted.
- 14.6 Cumulative impact policies are not absolute and such a policy must allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. Further, such policies must not restrict such consideration by imposing quotas based on either the number of premises or the capacity of those premises as this will indirectly have the effect of predetermining the outcome of any application.
- 14.7 There are a number of other mechanisms for addressing issues of unruly behaviour, which occur away from licensed premises. These include:
- planning controls;
  - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority



- including Best Bar None, Pubwatch or Business Improvement Districts;
- Community Protection Notices;
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night; street cleaning and litter patrols;
- Powers of local authorities to adopt Public Space Protection Orders in designated areas;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- The prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- The confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including issuing of fixed penalty notices;
- The power of the police, other responsible authorities or other persons to seek a review of the licence or certificate in question;
- Early morning restriction orders; and
- Raising a contribution to policing the late-night economy through the Late-Night Levy.

## 15 Early Morning Restriction Orders (EMROs)

- 15.1 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times and serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 15.2 EMROs can restrict the sale of alcohol between Midnight and 0600hrs, in the whole or part of its area, if satisfied that this would be appropriate for the promotion of the licensing objectives.
- 15.3 It is the licensing authority's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However, where this has deemed to fail then an EMRO could be considered as a possible solution.
- 15.4 The introduction of an EMRO must be reasonable, justified and proportionate. Other measures that could be taken instead of making an EMRO include:
- Cumulative Impact Policy
  - Reviewing licences of specific problem premises
  - Encouraging the creation of business-led best practice schemes
  - Planning controls
  - Prosecution of premises where non-compliance with licensing conditions is evident
  - Police enforcement of the general law concerning disorder and anti-social behaviour.
- 15.5 An Early Morning Restriction Order
- Applies to the supply of alcohol authorised by premises licences, club premises certificates and Temporary Event Notices;
  - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different periods on

different days of the week;

- Applies for a limited or unlimited period
- Applies to the whole or part of the Licensing Authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am until 6am on 1 January every year)
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini bars/room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

15.6 Before the Licensing Committee determines to recommend that the full Council make a proposed EMRO, it must be satisfied that there is sufficient evidence to demonstrate that making the order would be appropriate for the promotion of the licensing objectives.

15.7 There are currently no EMROs in place within the Licensing Authority's area. Any consultation in relation to an EMRO or decision to implement an EMRO will be undertaken separate to this policy.

## 16 Late Night Levy (LNL)

16.1 Late night levies allow Licensing Authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late-night economy. The levy will apply to all premises (on and off trade) throughout the Licensing Authority's area which are authorised to sell or supply alcohol in the period set by the Licensing Authority.

16.2 At least 70% of the net levy revenue must be passed to the Police and any revenue must be used to tackle alcohol-related crime and disorder and services connected to the management of the night-time economy.

16.3 Any consultation in relation to a possible late-night levy or decision to implement a levy will be undertaken separate to this policy document.

16.4 A decision on whether to introduce a levy, and its design, is a decision for the full council.

## 17 Nudity and Striptease

17.1 The Licensing Authority does not make a moral stand in adopting this policy. The Authority recognises that Parliament has made it lawful to operate establishments providing adult entertainment, such as striptease, and such businesses are a legitimate part of the retail and leisure industries. It is our role as a Licensing Authority to administer the licensing regime in accordance with the law.

17.2 This Authority has adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that it can licence sexual entertainment venues in the Borough.

17.3 Premises Licensed under the Local Government (Miscellaneous Provisions) Act 1982 as a sexual entertainment venue are governed by the relevant policy for that purpose, however the Licensing Authority recognises that some premises providing sexual

entertainment may not be providing the entertainment at a frequency which requires the premises to be licensed as a sexual entertainment venue. Where such premises are providing (or intending to provide) striptease or any other kind of nudity (for example, pole or lap dancing or topless waitresses) the Licensing Authority, subject to receiving a relevant representation, will take into consideration the increased risk to the promotion of the licensing objectives. In particular, the Licensing Authority encourages applicants to give additional thought in their operating schedule to the promotion of the licensing objectives

- 17.4 Where premises licence applications include striptease or any other kind of nudity, the Licensing Authority will (on the receipt of relevant representations) have particular regard to the location of the premises in relation, schools, youth clubs, nurseries, children's centres or other premises where significant numbers of children are likely to attend. With regard to location the Licensing Authority will give close scrutiny to those applications, which are in close proximity to the aforementioned premises or outside the town centre.
- 17.5 In order to promote the licensing objectives, where the Licensing Authority grants a premises licence that includes striptease or any kind of nudity it will generally, following receipt of relevant representations, impose conditions relating to the following issues:
- The location within the premises where the activity takes place.
  - The absence of advertising the activities outside the premises
  - The measures taken to ensure no person under 18 years of age enters the premises whilst adult entertainment is taking place.
  - The measures taken to ensure that the activities inside the premises cannot be seen from outside the premises.
  - The position of the performers' dressing rooms in relation to the area in which they perform.
  - Absence of physical contact between performers and customers.
  - Absence of private booths or private performance areas.
  - Means by which potential customers will be made aware of the nature of the performance.
  - Stewarding arrangements.
- 17.6 Applicants are advised that a 'no adult entertainment' condition will be attached to licences when a licence application indicates that there will be no such entertainment on the premises.

## General Matters

### 18 Outdoor Furniture and Street Café Licences

- 18.1 The Licensing Authority will (on the receipt of relevant representations) carefully consider any application for a premises licence where outdoor tables and chairs are to be provided. In particular, the Licensing Authority will consider the premises in the context of their location, the hours during which the premises are to be open, the proposed licensable activities and proposals for control of tables and chairs outside the hours of operation. Where appropriate, licence holders should ensure that they have an agreement (street café licence) with Lincolnshire County Council to use the public footway for the provision of tables and chairs.

## 19 Smoke Free Legislation

- 19.1 The Licensing Authority is aware there are a small number of licensed premises in the Borough that are unable to provide external smoking areas due to the layout and constraints of the particular licensed establishment. The Licensing Authority is aware that the congregation of large numbers of patrons on the public highway outside the premise, who have temporarily vacated the premise in order to smoke, may in certain circumstances, lead to public nuisance issues. This is particularly the case where customers remain outside for a considerable period of time and consume alcohol immediately outside the premise as well as smoking. Licence holders should therefore ensure that appropriate measures are in place, where necessary, to minimise public nuisance as a result of customers congregating outside the premise. Licence holders are also reminded that the Borough has a Public Space Protection Order (PSPO) in place within the area, of which licence holders are strongly advised to prohibit the removal of drinks from the licensed area. Where applications for review are received the Licensing Authority may consider measures to negate public nuisance in the immediate vicinity of the premise.

## 20 Councillors as other persons

- 20.1 When acting as other persons members will be aware of the role of the elected members in relation to licensing committee hearings and the Model Code of Conduct.

## 21 Drinking Up Time / Chill Out Period

- 21.1 It is recommended the hours during which premises are licensed to sell or supply alcohol and the opening hours of a premise are not the same and therefore, applicants for premises licensed for the sale of alcohol for consumption on the premises are advised to consider a drinking up/cooling down period during which music volume (especially base beat) may be reduced, customers may consume their drinks, use the toilet facilities and make arrangements for transport from the premises. The Licensing Authority considers that this approach will assist in the gradual dispersal of customers and consequently reduce impact on the surrounding area.
- 21.2 The Licensing Authority will consider imposing a condition on drinking up time in individual cases where relevant representation(s) are made, and it is considered that such a condition is necessary in order to promote the licensing objectives in any individual case.
- 21.3 Applicants and licence holders are reminded that the provision of late-night refreshment between the hours of 2300 and 0500 (with certain exceptions) is a licensable activity. As such the provision of late-night refreshment must only take place by way of authorisation under the Licensing Act 2003.

## 22 Staff Training

- 22.1 The Licensing Authority recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise their awareness in this area of responsibility. Similarly, persons employed at on-licensed premises should be encouraged to attend training programmes

which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises. It is also recommended that persons employed on premises providing entertainment for children attend training programmes in basic child protection and safety. All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

## 23 Petrol Stations, Garages and similar premises

23.1 Section 176 of the Act states that any authorisation for the supply of alcohol in relation to a garage will have no effect if the premise is used primarily as a garage. It is for the Licensing Authority to decide in the light of the facts whether or not any premises is used primarily as a garage. The Licensing Authority will establish primary use based on an examination of the intensity of use by customers of the premises and not based on an examination of gross or net turnover. Premises are used as a garage if they are used for one or more of the following:

- The retailing of petrol;
- The retailing of derv;
- The sale of motor vehicles;
- The maintenance of motor vehicles.

## 24 Karaoke

24.1 Applicants wishing to provide karaoke should ensure that the live music section of the application form is completed with an explanation that karaoke is to be provided

## 25 Excessive Consumption of Alcohol / Binge Drinking / Irresponsible Drinks Promotions

25.1 The Licensing Authority is acutely aware of the link between the supply of excessively discounted alcohol or irresponsible drinks promotions and incidents of alcohol related disorder as well as the impact that excessive or binge drinking can have on public health. The Council as Licensing Authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.

25.2 Licence holders are reminded that the mandatory licence conditions require the responsible person at the licensed premises to take all reasonable steps to ensure that staff do not carry out irresponsible promotions. Irresponsible promotion means carrying on an activity (defined in the mandatory condition), which carries a significant risk to the licensing objectives. When deciding whether a drinks promotion constitutes an irresponsible promotion the Authority will make specific reference to the guidance issued by the Home Office. The Authority will give appropriate weight to the Home Office document in its decision-making process.

25.3 Irresponsible drinks promotions are likely to encourage excessive consumption or binge drinking and result in alcohol fuelled incidents of crime and disorder and implications for public safety, public nuisance and may expose children to risk of harm.

- 25.4 Any premises found to be promoting irresponsible drinks promotions (likely to have a negative effect on the licensing objectives) will be liable for prosecution. The Responsible Authorities have stated that where evidence shows that premises' alcohol drinks promotions are undermining one or more of the licensing objectives, then they may instigate a review of the licence.
- 25.5 Where relevant representations are made, or reviews are requested on any individual case, the responsible person will be expected to demonstrate to the Licensing Authority that appropriate measures are in place to ensure that promotions do not carry a significant risk to the licensing objectives.
- 25.6 On receipt of relevant representations, or review applications, which demonstrate a clear link between sales promotions and levels of crime and disorder or public nuisance on or in the vicinity of the premises, the Licensing Authority will seriously consider the status of the premises licence.

## 26 Community Premises and Applications for the Removal of the Requirement for a Designated Premises Supervisor

- 26.1 The Licensing Authority recognises that community premises may apply for the removal of the requirement for a Designated Premises Supervisor (DPS).
- 26.2 On receipt of an application requesting the removal of the two mandatory conditions relating to the need for a Designated Premises Supervisor, and sales of alcohol being authorised by a personal licence holder, the Licensing Authority will consider replacing those conditions with the following alternative condition:
- Every supply of alcohol under the premises licence must be made or authorised by the management committee.
- 26.3 Such applications shall only be granted to community premises. A Community Premises is defined as premises that are or form part of:
- a church hall, chapel hall or other similar building, or
  - a village hall, parish hall, community hall or similar building.
- 26.4 When considering whether a premise is a community premises the Licensing Authority will consider each application on its own merits. The main consideration for the Licensing Authority will be how the premises are predominately used. If they are genuinely made available and accessible by a broad range of persons and sectors of the local community, for purposes beneficial to the community as a whole, then the premises is likely to meet the definition. However, if there is an aspect of private gain in relation to the operation of the premises then it is unlikely to be viewed as a community premises.
- 26.5 Before granting the dispensation from the requirement for a DPS, the Licensing Authority will need to be satisfied that suitable arrangements are in place at the community premises in order to manage the supply of alcohol. Officers acting under delegated powers will undertake the initial scrutiny of applications. If Officers or the Police are not happy with the arrangements (and the applicant still wishes to proceed with the application) then the application will be considered by a Licensing Sub-Committee hearing.



- 26.6 All applications must be copied to the Police for comment and consultation. The Licensing Authority will allow the Police 28 days to make any representations.
- 26.7 The Licensing Authority will consider the management arrangements of the premises when considering applications for the removal of the requirement for a DPS. The management should be by a formal Management or Executive Committee, and the premises licence must be in the name of that committee. The Licensing Authority will need to be satisfied that the arrangements for the management of the premises are sufficient to ensure adequate supervision of the supply of alcohol on the premises. Any arrangements should normally include:
- The contact details of a responsible person or nominated contact to take any necessary action should issues arise.
  - A written policy on how children and underage sales of alcohol will be managed. The policy should identify the offences under Sections 145 to 153 inclusive of Licensing Act 2003 in respect of children and alcohol.
  - An effective hiring agreement when the premises are hired for private events.
  - Provision of a Refusals Register.
  - Provision of Staff Training.
- 26.8 Community premises should note that the Licensing Authority supports the Challenge 25 Scheme in order to combat the underage sales of alcohol and endorses the Action with Communities in Rural England (ACRE) model in relation to community premises hiring agreements.
- 26.9 The Licensing Authority would normally expect any hiring agreement to contain the following:
- The conditions of the premises licence;
  - The policy on underage sales;
  - A signed declaration that the hirer has read and understands his responsibilities in leasing the premises
- 26.10 The management board or committee, as premises licence holder, will collectively be responsible for ensuring compliance with the law.
- 26.11 If a representation is received from the Police requesting the imposition of the same mandatory conditions applicable to non-community premises, then the Licensing Authority will consider whether those conditions are necessary to promote the crime prevention objective before granting or varying the licence. Where a review application is made in respect of a premises licence that includes the 'alternative condition', the Licensing Authority may determine that normal mandatory conditions should apply, and a Designated Premises Supervisor is required.

## 27 New Year's Eve and New Year's Day and British Summertime

- 27.1 The Licensing Authority recognises that licensed premises are likely to wish to have extended operating hours over the period of New Year's Eve into New Year's Day. With this in mind, applicants are encouraged to make provision for this period in their licence

applications rather than perhaps relying on a Temporary Event Notice (TEN). If representations are made concerning the potential for noise disturbance during this limited period, the Licensing Authority's consideration will be balanced against the special nature of this particular time of the year.

- 27.2 The Licensing Authority recognises that the change in time to British Summertime will only affect those premises operating to the early hours on the night the clocks change. However, for those premises it can be confusing as to the closing hour on the night in question as well as being confusing for applicants completing a new application. For this reason, the Licensing Authority will assume that applicants applying for the licensing hours to the early hours wish an additional hour to the standard time on the night when British Summertime commences.

## 28 Parish Councils

- 28.1 The Licensing Authority recognises Parish Councils as being bodies that are democratically elected to represent the views of their area. Whilst not being Responsible Authorities, under the terms of the 2003 Act, Parish Councils are able to act as "other parties" in their own right and also represent the views of other parties when requested to do so.

## 29 Challenge 25 Scheme

- 29.1 The Licensing Authority strongly supports campaigns to reduce the illegal sale of items to underage persons and the adoption of a Challenge 25, or similar policy, within the licensed trade. Under the scheme, premises selling alcohol should seek proof of age from anybody who appears to be under the age of 25.

N.B. The mandatory licence conditions, introduced in 2014, require relevant premises to have an age verification policy in relation to the sale or supply of alcohol.

- 29.2 The policy should create a culture of expectation that in pubs, clubs, off licences and similar premises that proof of age should either be offered or produced on demand and that this should be the norm as far as the sale of alcohol to young persons is concerned. Asking for identification at an age limit that is higher than the legal age for the sale of the product means that licence holders are much more likely to avoid an illegal sale to someone who looks older than their true age.

## 30 Licence/Club Premises Certificate Suspension – non- payment of annual fee

- 30.1 Most Premises Licences and Club Premises Certificates attract an annual fee, the payment of which is due on the anniversary of the grant of the licence or certificate. The Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid, when due, unless the payment was not made due to an administrative error, or a disputed liability for the fee which has been notified to the licensing authority before or at the time of the due date. In either of these cases there is a grace period of 21 days to allow the licensing authority and the licence holder the opportunity to resolve the dispute or error.



- 30.2 Where such a suspension takes place the licensing authority must give a minimum of two days' notice and may inform the police or other responsible authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.

## 31 Immigration Act 2016 – Entitlement to work

- 31.1 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 licence applications made 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.
- 31.2 It is now a requirement for the licensing authority 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.
- 31.3 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.
- 31.4 A premises or personal licence 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.
- 31.5 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 and/or late-night refreshment.
- 31.6 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 Enforcement

## 32 Safeguarding

**32.1 Licensing Authorities must consider the need to protect children and vulnerable persons from sexual exploitation when undertaking licensing functions. Everyone working in an environment where there may be children present should safeguard and promote the wellbeing of children. Where there is a risk to children, steps should be taken to ensure their safety and well-being. Safeguarding is everyone's responsibility, and this Authority will work closely with other agencies to promote people's welfare and protect them from harm by identifying safeguarding concerns, sharing information and taking prompt action when issues are identified.**

**This Authority expects businesses to show that due diligence and all reasonable steps have been taken to manage the risk and keep children safe. Where there are real safeguarding concerns that have not been or cannot be addressed, then this Authority, when considering a premises licence review, will seriously consider**

revocation of the premises licence. Where appropriate, the Licensing Authority will not wait for a criminal prosecution before deciding on an appropriate course of action in relation to the licensing objectives.

**32.2** This Authority recommends that all businesses should undertake a premises specific risk assessment regarding the safeguarding of children and vulnerable adults at their premises. Licence holders should ensure the environment to which they allow children access is safe and suitable. All premises licence holders and their staff will be expected to have a basic awareness of child protection issues. This includes:

- Being alert to the possibility of child abuse and neglect
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
- Being competent in taking the appropriate immediate or emergency action when issues are identified.

**32.3** Action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour, or violence towards others. Adults accompanying children should be encouraged to supervise them, to minimise the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to any prohibited areas of the premises.

### **33 Modern Slavery**

**33.1** This is a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour, and human trafficking. The legal definition includes the following terms:

- Slavery, where ownership is exercised over a person;
- Servitude, where a person is obliged to provide services imposed by coercion;
- Forced or Compulsory Labour, which involves work extracted under the menace of penalty and for which the person has not offered himself voluntarily;
- Human trafficking, which involves the movement of people by means such as force, fraud, coercion or deception with the aim of exploiting them.

Licensed premises might be unwitting hosts to modern slavery in two ways. Victims and their traffickers visiting the licensed establishment, with sexual exploitation and forced criminality being the most common forms identified in this way. Staff may also be being recruited through unscrupulous means, leaving them trapped and/or indebted to a trafficker. This may be in hotels, bars and restaurants, sexual entertainment venues, late night takeaways, off licences or other licensed premises.

**33.2** Staff at licensed premises may be able to identify and report incidents of exploitation. A licence holder may increase awareness of modern slavery by: identifying any risks at the premises and working with relevant business partners and suppliers (i.e. recruitment agencies) to mitigate such risks; actively informing those working on the premises of their rights and how they can confidentially seek help or advice on modern slavery if required; Providing regular training to all staff on the indicators of modern slavery and how to report concerns; and a establishing

strong relationships with local Police and victims service providers, such as the National Modern Slavery Helpline, in advance of any incident.

**33.3** Having clear and straightforward protocols for when an incident is discovered is crucial to ensure that victims get appropriate support. Where employees identify a potential victim, they should be able to follow a specific internal procedure in order to protect the safety of that individual. This procedure should not be overly complex, should involve senior level staff, and should be clear when reports should go immediately to the Police (i.e. if certain indicators are met, if the potential victim is in immediate danger, or if the potential victim is a child). The 24-hour Modern Slavery Helpline (0800 0121 700) can provide support to anyone who has a suspicion and would like some guidance on next steps.

## **34 Counter Terrorism**

**34.1** Terror attacks have previously occurred in or around bars, pubs and nightclubs in the UK. All premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs'. Boston Borough Council recommends using the Protect UK Website and App as a reliable source of counter terrorism and security advice.

[www.protectuk.police.uk/](http://www.protectuk.police.uk/)

[www.protectuk.police.uk/news-views/protectuk-app](http://www.protectuk.police.uk/news-views/protectuk-app)

**34.2** Licensing committees will give due consideration to appropriate counter terrorism measures and advice when considering licence applications for high-profile, large premises or events. This is especially the case if they are in receipt of relevant advice from police counterterrorism staff. There is an Annex of the Section 182 guidance in relation to counterterrorism. The Annex references a number of resources relating to public safety at venues which licensing authorities may find helpful in order to consider applications where enhanced security concerns may be relevant.

**34.3** The Terrorism (Protection of Premises) Act 2025, commonly known as Martyn's Law received Royal Assent on Thursday 3 April and is intended to improve protective security and organisational preparedness across the UK. The Government intends for there to be an implementation period of at least 24 months before the Act comes into force. Once in force, the Act will require certain premises and events to ensure steps have been taken to prepare for potential terrorist attacks, get ready to help keep people safe in the event of an attack and take steps to reduce their vulnerability to acts of terrorism.

## **35 Public Space Protection Order**

**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

*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 anti-social behaviour, crime and disorder and public nuisance. In the town centre, for example, there are significant issues with street drinking and the associated anti-social 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.*

## 36 Enforcement

36.1 The Licensing Authority will take appropriate enforcement action where there are breaches of the Act. Enforcement action will be in accordance with the Boston Borough Council's [Corporate Enforcement Policy](#), which reflects the agreed principles which are consistent with the Better Regulation Executive. To this end, the key principles of targeting consistency, transparency and proportionality will be maintained.

## 37 Review of Policy

37.1 The Policy Statement will remain in existence for a period of 5 years and will be subject to review after that period.

As with any medium-term framework, parts of this document may become outdated as a result of amendments to legislation and the Section 182 Guidance. It is essential that it is kept under regular review and updated when necessary and appropriate. The Head of Service/Assistant Director with responsibility for Licensing has delegated authority to make minor and consequential changes to this Policy in consultation with the Chairman of Licensing Committee. This document is subject to version control and all changes will be recorded and communicated accordingly.

## 38 Advice and Guidance

38.1 For further advice, information or guidance on the application process or to obtain advice about whether or not activities should be licensed please contact Boston Borough Council Licensing Section either:

- By telephone: 01205 314200
- Email: [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)
- Post: The Licensing Section  
Boston Borough Council  
Municipal Buildings  
West Street  
Boston  
PE21 8QR.

This policy has been prepared having undertaken an equality impact assessment.

## 39 Delegation of functions

39.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established Sub-Committees to deal with them.

39.2 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications including, for example, those licences and certificates where no representations have been made, has been delegated to Officers.

39.3 The table shown at Appendix 1 of this Policy sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or to the Full Committee, if considered appropriate in the circumstances of any particular case.

39.3.1 These delegated powers do not form part of this Policy and may be amended without consultation or review of the Policy.

## Appendix 1 - Delegation of Functions

The delegation of functions in relation to licensing matters is as follows: -

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Sub-Committee of the Licensing Committee</b>	<b>Assistant Director – Regulatory, further delegated to the Senior Licensing Officer unless otherwise stated</b>
Application for personal licence		If a Police Objection	If no objection is made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a Police objection is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection is made	All other cases
Applications for Interim Authorities		If a Police objection is made	All other cases
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases unless the officer considers it appropriate to refer to the Licensing Committee
Application to review premises licence/club premises certificate		All cases	
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Acknowledgement of a Temporary Event Notice			All cases
Rejection of a Temporary Event Notice due to permitted limits being exceeded.			All cases

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Sub-Committee of the Licensing Committee</b>	<b>Assistant Director – Regulatory, further delegated to the Senior Licensing Officer unless otherwise stated</b>
Determination of a Police or Environmental Health representation to a temporary event notice		All other cases	When all parties agree that conditions can be attached to a TEN and a hearing is not required.
Determination as to whether or not a premises is used primarily as a garage (Section 176 of the 2003 Act)		All other cases	Where Officers are of the opinion that the premises meet the requirements of Section 173.
Determination of an application for the minor variation of a premises licence.			All Cases
Application by a Community Premises for the disapplication from the requirement for a DPS.			Where Officers are of the opinion that the premises meet the required standard and there have been no objections by Lincolnshire Police.
Responsible Authority submitting a representation or applying for review of a premises licence or club premises certificate.			Assistant Director responsible for the area of concern.
Decision of the Licensing Authority to agree a hearing is not necessary.			All cases
Decision of the Licensing Authority to dispense with a hearing.			All cases

The Sub-Committee of the Licensing Committee shall comprise three Members of that Committee

## Appendix 2 – Public Space Protection Order

*The Council has consulted upon and introduced a Public Space Protection Order (PSPO) which seeks to limit street drinking within the town centre. More information can be found here: [Boston Town Centre Public Spaces Protection Order for Alcohol](#)*

*The current PSPO runs until 11 January 2027.*

*The wording of the PSPO is as follows and covers the shaded area shown in the map below.*

*“The effect of this Order is to restrict consumption of alcohol within an area and to require specified things to be done by person/s consuming alcohol in that area. The ‘area’ referred to is that as set out on the map.*

- 1. This Order applies to all persons within the area, whether resident or otherwise, at all times.*
- 2. Pursuant to section 63 of the Act, where a Police Officer, Community Support Officer or other Authorised Person requires that a person desists from consuming alcohol (or the item reasonably believed to be alcohol), or surrender the alcohol (or item which is reasonably believed to be alcohol) and the person fails to do so, that person shall be committing an offence as set out below.*
- 3. A person who fails without reasonable excuse to comply with a requirement imposed on him or her by a Police Officer, Community Support Officer or other Authorised Person as set out at point 2 above, commits an offence and is liable;*
  - i. on summary conviction to a fine not exceeding £500;*
  - ii. or to a fixed penalty notice not exceeding £100 (if the fixed penalty has not been paid within 14 days following the date of the notice, that person may be convicted of an offence as set out at point i above).*
- 4. A Police Officer, Community Support Officer or other Authorised Person may dispose of anything surrendered pursuant to this Order, as they see fit.”*





## Version Control

VERSION SERIALISATION	REASON:	EFFECTIVE FROM:	AMENDED BY: POSITION AND DATE	APPROVED BY: POSITION AND DATE	PUBLISHED ON: