

---

# Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

---

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	08 January 2024
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Date Head of Service agreed report:</b>	27 December 2023
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	N/A

---

## 1 Purpose of the Report

- 1.1 To consider minor updates to the Licensing Policy arising from the revised S182 Guidance issued in December 2023.

## 2 Recommendation(s)

- 2.1 **NOTE** the changes to the Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- 2.2 **RESOLVE** to authorise the Service Lead – Public Protection in consultation with the Monitoring Officer and Chairman and Vice Chairman of the Licensing Committee to amend the West Berkshire Licensing Policy to reflect the changes to the Section 182 Guidance.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>There are no financial implications associated with the ongoing review of the Licensing Policy as it forms part of business as usual activity and is therefore met from within existing resources.</p> <p>The <a href="#">fees with respect to these licences</a> are set by law. Recent years have seen a decline in licensing income as the numbers of licensed premises has reduced.</p>

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

<b>Human Resource:</b>	There are no specific personnel implications arising from this report.			
<b>Legal:</b>	<p>West Berkshire Council is required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the <a href="#">Licensing Act 2003</a> ('the Act'). The SLP outlines the general approach of the Licensing Authority when making licensing decisions under the Act and its policy with respect to the exercise of its licensing functions. Section 5 (4) of the Act provides that during each five year period a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.</p> <p>The current SLP was agreed by full Council on the 30 November 2023 and came into effect on the 01 December 2023. It was noted at the time that the SLP should also be considered alongside the current iteration of <a href="#">s182 Guidance</a>. Revised s182 guidance was issued on the 18 December 2023.</p> <p>In adopting the SLP Council resolved to delegate authority to the Service Lead (Public Protection) and the Monitoring Officer, in consultation with Chairman and Vice Chairman of the Licensing Committee to make any minor amendments to the policy arising from legislative changes and changes to the S182 guidance.</p>			
<b>Risk Management:</b>	There are no specific risk matters arising from the adoption of this SLP. A risk would arise should the Council fail in its statutory duty to consider, adopt, update and publish a current SLP.			
<b>Property:</b>	None			
<b>Policy:</b>	The policy and its subsequent review is required in order to comply with the Licensing Act 2003.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				

**Minor Changes to the Licensing Policy Arising from Amended S182 Guidance**

<p><b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		x		<p>While the Council does not have any influence over the profile of applicants it is conscious of the need to promote equality when considering licensing matters and will give due regard to the prevention of discrimination and promotion of equality of opportunity. The <a href="#">Equality Act 2010</a>, its subsequent amendment as set out in <a href="#">The Equality Act 2010 (Amendment) Regulations 2023</a> and section 149, the <a href="#">Public Sector Equality Duty</a>, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p>
<p><b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		x		<p>The Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p> <p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>
<p><b>Environmental Impact:</b></p>		x		<p>Section 10 of the draft policy addresses the issue of cumulative impact and the impact that a concentration of licensed premises in an area can have on the licensing objectives.</p>

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

<b>Health Impact:</b>		x		<p>Although public health is not a licensing objective the Public Health Team were consulted on the draft policy and health data can be used to identify the impact of premises on the licensing objectives.</p> <p>The revisions being proposed relate to the issue of spiking which can have health repercussions for victims.</p>
<b>ICT Impact:</b>		x		<p>There is no ICT impact associated with updates to the policy.</p>
<b>Digital Services Impact:</b>		x		<p>If the updates are agreed the revised policy will be published on the Public Protection Partnership and West Berkshire Council websites.</p>
<b>Council Strategy Priorities:</b>	x			<p>The Policy will support the following Council priorities:</p> <ul style="list-style-type: none"> <li>• Services we are proud of.</li> <li>• A Prosperous and Resilient West Berkshire</li> <li>• Thriving Communities with a Strong Local Voice</li> </ul>
<b>Core Business:</b>		x		<p>It is a statutory requirement for the Council to have an up to date SLP in place.</p>
<b>Data Impact:</b>		x		<p>All data associated with the policy and applications will be processed in accordance with the <a href="#">PPP's privacy statement</a>.</p>
<b>Consultation and Engagement:</b>	<p>As per the resolution of Council the Service Lead (Public Protection) Monitoring Officer and Chairman and Vice Chairman (via the Licensing Committee) will be consulted on the changes.</p> <p>The views of the Monitoring Officer will be reported back verbally at the Licensing Committee meeting.</p>			

## 4 Supporting Information

### Background

- 4.1 The [Licensing Act 2003](#) (hereafter called the Act) regulates licensable activity in England and Wales. Licensing authorities are required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Act. The Statement of Licensing Policy outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time.
- 4.2 The Council adopted an updated policy on the [30 November 2023](#) following a full statutory consultation exercise. The new policy came into effect on the 01 December 2023. At the time of adoption, it was noted that the Act provides that during each five year period a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
- 4.3 The SLP should also be considered alongside the current revised Section 182 guidance. The Council resolved to delegate authority to the Service Lead (Public Protection) and the Monitoring Officer, in consultation with Chairman and Vice Chairman of the Licensing Committee to make any minor amendments to the policy arising from legislative changes and changes to the S182 guidance.
- 4.4 Revised [s182 guidance was issued on the 18 December 2023](#). The guidance now includes "information about spiking". Under paragraph 2.7, it now states:

"The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission.
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission.
- Injecting another person with prescription or illegal drugs without their knowledge or permission.
- Putting prescription or illegal drugs into another person's food without their knowledge or permission.
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission."

### Proposals

- 4.5 It is proposed that an additional example be added to paragraph 5.3 of the policy which states "Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and

## Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event; for example:.....”

- k) procedures to prevent incidents of spiking.
- l) procedures to deal with incidents of spiking.
- m) training that will be put in place for door staff to raise awareness about the threat of spiking.

4.6 Appendix C (Glossary) be updated to include a definition of spiking as set out in paragraph 4.4 above.

### Wider Context and Implementation

4.7 The Public Protection Service is part of a wider partnership arrangement looking at community safety and reducing the risks of harm to women and girls. This includes working with Licensees and Pubwatch to raise awareness of drink spiking. Initiatives have included provision of stoppers for bottles and wider awareness campaigns on spiking. Examples of these can be found at **Appendix A** to this report.

## 5 Other options considered

5.1 None, the Council has a statutory duty to have an updated Statement of Licensing Policy in place.

## 6 Conclusion

6.1 The implementation of the licensing regime is an important function of local authorities. The proper application of the licensing objectives provides protections for the community and individuals. The ‘Statement of Licensing Policy’ along with the prevailing legislation and statutory guidance is critical to the proper discharge of functions by the Council.

## 7 Appendices

7.1 Appendix A – Anti Spiking Campaign Materials

---

### Background Papers:

- Licensing Act 2003
- S182 Guidance
- The minutes and documents (including equality impact assessment) relating to the Statement of Licensing Policy at the Council meeting on the 30 November 2023

**Subject to Call-In:** Yes:  No:

---

## Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

- 
- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** All

### Officer details:

Name: Moira Fraser  
Job Title: Policy and Governance Officer  
Tel No: 01635 519045  
E-mail: moira.fraser@westberks.gov.uk

---

### Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

### Change History

Version	Date	Description	Change ID
1			
2			