

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

Committee considering report:	Licensing Committee
Date of Committee:	06 July 2026
Portfolio Holder:	Councillor Tom McCann
Date Head of Service agreed report:	26 May 2026
Report Author:	Moira Fraser
Forward Plan Ref:	LC

1 Purpose of the Report

- 1.1 To report back on minor amendments being made to the Statement of Licensing Policy following the issuing of updated Home Office's Statutory Guidance issued under Section 182 of the Licensing Act 2003 in January 2024, February 2025, November 2025 and February 2026.

2 Recommendations

The Committee to

- 2.1 **NOTE** the changes to the Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- 2.2 **BE INFORMED** about the proposed changes the West Berkshire Licensing Policy reflecting the changes to the Section 182 Guidance which will be made under delegated authority.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	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. The fees with respect to these licences are set by law.

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

Human Resource:	There are no specific personnel implications arising from this report.			
Legal:	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 Licensing Act 2003 ('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. 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 s182 Guidance. Revised s182 guidance was issued on 18 January 2024 (Update to Temporary Event Notices) 27 February 2025 (ensure cases assessed on own merits), 26 November 2025 (growth/ benefit line introduced) and 12 February 2026 (references to local plans introduced). 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.			
Risk Management:	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.			
Property:	None			
Policy:	The policy and its subsequent review is required in order to comply with the Licensing Act 2003.			
	Positive	Neutral	Negative	Commentary

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		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 Equality Act 2010, its subsequent amendment as set out in The Equality Act 2010 (Amendment) Regulations 2023 and section 149, the Public Sector Equality Duty, 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.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		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. 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.
Environmental Impact:		x		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.
Health Impact:		x		The recommendations are not expected to have an impact on health and wellbeing of our customers or staff.

ICT Impact:		x		There is no ICT impact associated with updates to the policy.
Digital Services Impact:		x		If the updates are agreed the revised policy will be published on the Public Protection Partnership and West Berkshire Council websites.
Council Strategy Priorities:	x			The Policy will support the following Council priorities: • Services we are proud of. • A Prosperous and Resilient West Berkshire • Thriving Communities with a Strong Local Voice
Core Business:		x		It is a statutory requirement for the Council to have an up to date SLP in place.
Data Impact:		x		All data associated with the policy and applications will be processed in accordance with the PPP's privacy statement .
Consultation and Engagement:	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.			

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-

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

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 In January 2024 the guidance on Temporary Event Notices (TENs) was amended and returned to the pre-COVID premises limits of 15 TENs and 21 aggregate days per premises per calendar year.
- 4.5 In February 2025 an amendment to paragraph 8.65 of the guidance was issued clarifying that for “other licensable activities” licensing authorities should consider each application case-by-case and in light of any licence conditions proposed by the applicant.
- 4.6 In November 2025 a paragraph was inserted into the guidance which introduced a new emphasis on supporting economic growth which stated that when exercising their licensing functions, licensing authorities should consider the need to promote growth and deliver economic benefits, while continuing to uphold the four statutory licensing objectives.
- 4.7 In February 2026 the S182 Guidance introduced a new reference to licensing authorities having regard to wider local plans and strategies when making licensing decisions.

Proposals

- 4.8 It is proposed that Section 12 (Temporary Event Notices) of the Statement of Licensing Policy be updated to reflect the new parameters attached to these notices as set out below:

“Temporary Event Notices (TENs) or late Temporary Event Notices (late TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present at any one time and may last no more than 168 hours (7 days). TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at the event, a premises licence will be required.

In accordance with the 2003 Act, any individual person aged 18 or over may serve a TEN, whether or not they hold a personal licence. An individual who is not a personal licence holder may only serve a TEN five times a year of which two can be late TENs, and a personal licence holder no more than 50 times a year of which ten can be late TENs. Currently, no more than 15 TENs covering a maximum aggregate of 21 days may be served in respect of any particular premises in a single calendar year. If you are organising separate but consecutive events, there must be at least a 24-hour gap between them.

Organisers of temporary events are encouraged to serve their TEN as soon as is reasonably practicable in order for the Police and Environmental Health to consider

whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. The TEN form is available on the [Council's website](#).

Although the legal requirement is ten clear working days (or five clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least two months' notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with Responsible Authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.

The processing of TENs by the Council is controlled by a strict statutory timetable; therefore, the Council will not accept a notice unless it is complete in all respects at the time of submission. Objections to TENs can only be made by the Police or Environmental Health and must be based on any of the four licensing objectives. They must be made within three working days of the notice being copied to them.

In the event of an objection in relation to a standard TEN, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place."

- 4.9 It is proposed, in light of the February 2025 updates to the guidance, that paragraph 2.3 of the policy be amended to state:

"This policy sets out the process the Council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications. The overriding principle adopted by the Council will be that each application is determined on its own merits and in light of any licence conditions put forward by the applicant. Every application will be treated fairly and objectively, taking into account the four licensing objectives, the policy and the statutory guidance."

- 4.10 In light of the November 2025 and February 2026 changes it is proposed that paragraph 11.3 of the SoLP be amended as follows:

"In determining the application the Licensing Authority will consider:

- a) the case and evidence presented by all parties;
- b) the promotion of the four licensing objectives;
- c) guidance issued by central Government;
- d) the need to promote growth and deliver economic benefits;
- e) local plans and strategies – such as those relating to town planning, the night-time economy, or business support – provided these considerations are consistent with the licensing objectives and the licensing authority's published Statement of Licensing Policy; and

- f) the Licensing Authority's own Statement of Licensing Policy.

4.11 It is also proposed that a new paragraph 4.5 be inserted into the policy stating that:

Home Office guidance issued under s182 licensing Act 2003, provides that

"In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;

- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises”.

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.
- 6.2 It is noted that further amendments to the Council’s Statement of Licensing Policy will be brought forward in due course to reflect the requirements of the Terrorism (Protection of Premises) Act 2025, commonly referred to as Martyn’s Law. The Act which received Royal Assent on 3 April 2025 introduced a new statutory framework requiring those responsible for certain public premises and events to take proportionate steps to enhance public safety and preparedness in the event of a terrorist incident. The legislation is expected to be subject to an implementation period of at least 24 months before full commencement, allowing time for duty holders and regulators to prepare.
- 6.3 The Act introduces a tiered approach based on capacity thresholds, with enhanced requirements for larger venues, including the need to assess risks, implement appropriate security measures, and maintain documented procedures and plans. In the context of licensing, this may necessitate future policy updates relating to matters such as the submission of site plans, counter-terrorism risk assessments, and evidence of security planning for licensed premises and events.

7 Appendices

- 7.1 Appendix A - Draft Updated Statement of Licensing Policy.

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: ☐

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
