

To: **Licensing and Safety Committee**  
**24 October 2024**

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## **Minor Updates to Statement of Licensing Policy Arising From Revised S182 Guidance Executive Director of Communities**

### **1 Purpose of Report**

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

### **2 Recommendations**

The Licensing and Safety Committee to

- 2.1 **NOTE** the changes, referred to in this report, to the Home Office's Statutory Guidance issued under Section 182 of the Licensing Act 2003 that was revised in December 2023.
- 2.2 **RESOLVE** to recommend for approval by full Council, at its meeting on 08 January 2025, proposed minor amendments to Bracknell Forest Council's Statement of Licensing Policy referred to in this report, with or without modification.
- 2.3 **RESOLVE** to recommend that full Council, at its meeting on 08 January 2025, amends the Council's approved scheme of delegation on licensing functions under the licensing Act 2003 and associated regulations, to delegate, to the Licensing and Safety Committee, any future minor amendments to Bracknell Forest Council's Statement of Licensing Policy as may be deemed necessary by that Committee as a result of any future minor revision to the Home Office's Statutory Guidance issued under Section 182 of the Licensing Act 2003.

### **3 Reasons for Recommendations**

- 3.1 Bracknell Forest 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 Council adopted the current iteration of the Statement of Licensing Policy in January 2021.
- 3.2 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. At the time of adoption it was noted that the SLP should also be considered alongside the current iteration of s182 Guidance. Revised s182 guidance was issued on the 18 December 2023.

### **4 Alternative Options Considered**

- 4.1 None it is a statutory requirement to have a policy in place and to review it periodically to reflect any legislative changes, changes to practice and amendments to any associated guidance including the S182 Guidance.

### **5 Supporting Information**

- 5.1 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.

- 5.2 The Council adopted an updated policy following a full statutory consultation exercise. The new policy was approved at the 13 January 2021 full Council meeting and came into effect on the 31 January 2021. 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.
- 5.3 The SLP should also be considered alongside the current revised Section 182 guidance. Revised s182 guidance was issued on the 18 December 2023. The guidance now includes " information about spiking". Under paragraph 2.7 of the guidance, 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

- 5.4 It is proposed that additional examples 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 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:....."

The proposed additions are:

- 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.

- 5.5 Appendix C (Glossary) be updated to include a definition of spiking as set out in paragraph 5.3 above. The proposed changes are set out in red text on the appended policy and highlighted in yellow to make them easier to identify.

## **Wider Context and Implementation**

- 5.6 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.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 The legal implications are set out in the report.

### Financial Advice

- 6.2 There are no financial implications associated with this report.

### Other Consultation Responses

- 6.3 None

### Equalities Impact Assessment

- 6.4 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.

### Strategic Risk Management Issues

- 6.5 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.

### Climate Change and Ecological Impacts

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO<sub>2</sub> albeit that 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 & Wellbeing Considerations

- 6.7 The revisions being proposed relate to the issue of spiking which can have health repercussions for victims.

## Background Papers

- Licensing Act 2003
- S182 Guidance

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