



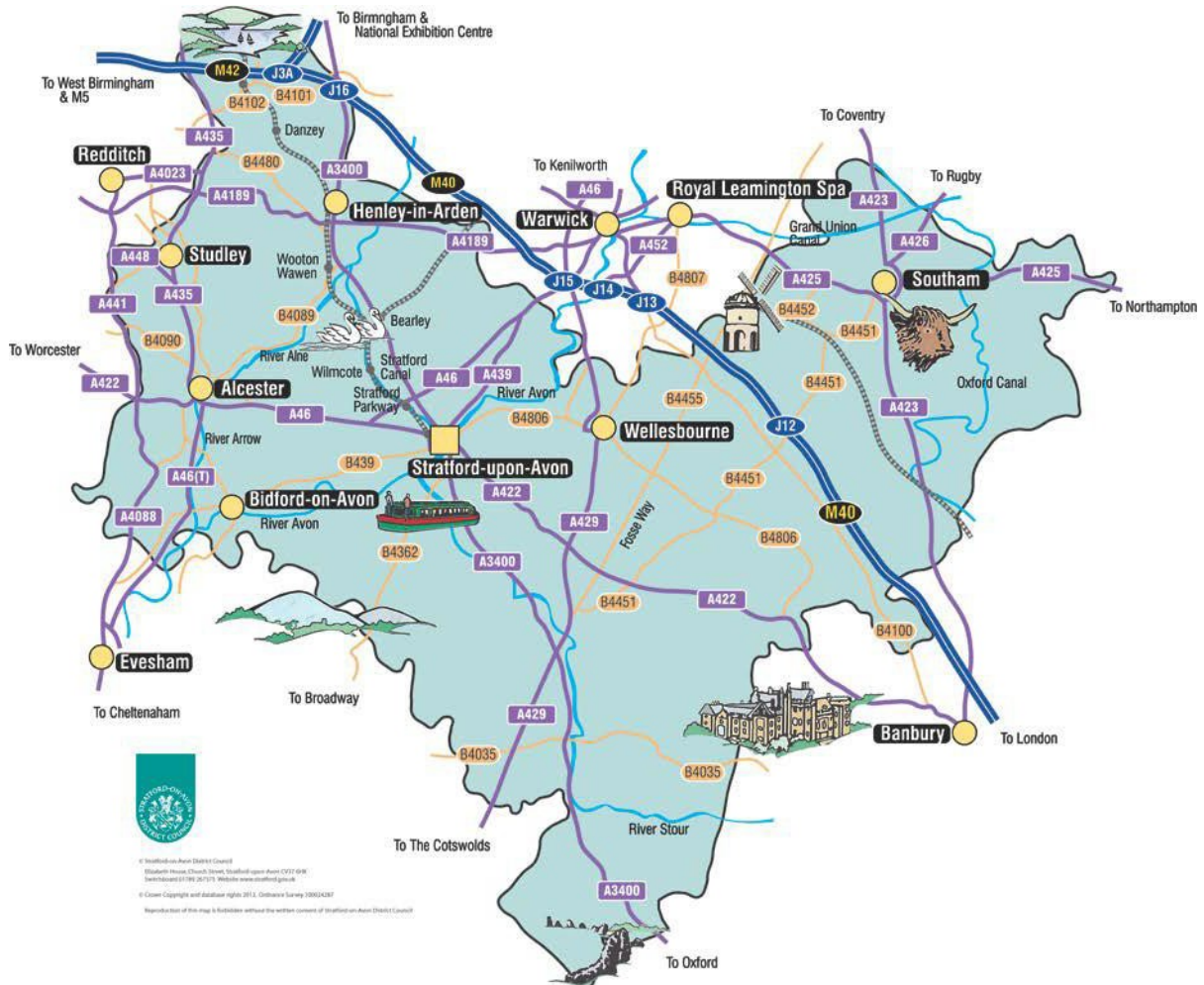
**Licensing Act 2003**

**Statement of  
Licensing Policy  
2026 - 2031**

## Important Note

In producing this Statement of Licensing Policy, the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future will not be incorporated into this policy document and readers of this document are advised to check on the Home Office/Gov.uk website to ensure they have the latest information.



*Stratford-upon-Avon District Council Location Map*

## Document Control

<b>Title:</b>	<b>Statement of Licensing Policy 2026 - 2031</b>
<b>Version:</b>	<b>1</b>
<b>Approved By:</b>	<b>Council</b>
<b>Date Approved:</b>	
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<b>Next Review Date:</b>	<b>2031</b>

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## STATEMENT OF LICENSING POLICY

### 1 INTRODUCTION

1.1 Stratford-on-Avon District Council ('the Council') has a duty under the terms of the Licensing Act 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

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

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 Stratford-on-Avon is a local government district of southern Warwickshire in England. The district covers a large rural area with 109 parishes. The district shares its borders with the districts of Warwick, Wychavon, Redditch, Bromsgrove, Cherwell, South Northamptonshire and West Oxfordshire. The district has a population of over 138,000 residents with generally an older population: 25.4% of residents being aged over 65 compared with the national average of approximately 18.6%. There are four main market towns within the district: Stratford-upon-Avon, Shipston-on-Stour, Southam and Alcester.

~~1.3 Stratford-on-Avon District Council is situated in the south of Warwickshire in the centre of England. It stretches from the edge of the West Midlands conurbation in the north, to the Cotswold fringe in the south. The district covers a large rural area, some 979 square kilometres (378 square miles). As per the mid 2019 population estimates, 130,098 people live in the district. The largest town is Stratford-upon-Avon that has over 30,000 residents, with the other main market towns being Alcester, Shipston-on-Stour and Southam.~~

1.4 This Statement of Licensing Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an "authorisation" means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context, a Personal Licence.

1.5 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is always the principal consideration.

1.6 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work in partnership with neighbouring authorities, all responsible authorities, local businesses, arts organisations, performers, local people and those involved in child protection to promote the common objectives as outlined. In addition, the Council recognises its duty under S.17 of the Crime and Disorder Act, 1998, with regard to the prevention of crime and disorder.

1.7 The legislation also supports a number of other key aims and purposes which in promoting the licensing objectives, the Licensing Authority will have as principal aims.

These include:

- Protecting the public, local residents and those working in the vicinity of the premises concerned, from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage the night time economy, taking action against those premises not upholding the licensing objectives;
- Recognising the important role licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of the local area and its communities;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to express their views regarding licensing decisions that may affect them;
- Working with Home Office Immigration Enforcement and the local police regarding the prevention of illegal working in licensed premises;
- Working with the local police regarding instances of drink spiking in licensed premises;
- Working with the local police and partner agencies towards the prevention of violence, including violence against women and girls (VAWG) in the night time economy.

1.8 This policy statement has been prepared in accordance with the provisions of the Act; the Guidance issued under Section 182 of the Act and is valid for a period of 5 years from 6 January 2026. This policy statement will be subject to review and further consultation prior to any substantial changes.

## **Responsible Authorities**

- 1.9 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy statement as Appendix 1.

### **The Licensing Authority as a Responsible Authority**

- 1.10 The Licensing Authority will, when acting as a responsible authority, act in accordance with the Government Guidance issued under Section 182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

### **Public Health as a Responsible Authority**

- 1.11 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning.
- 1.12 Health bodies hold valuable information which may not be recorded by other agencies including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance call-outs and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.
- 1.13 Whilst the promotion of public health is not a licensing objective as set out in the Act, the Licensing Authority would support where appropriate, any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities.
- 1.14 These may include but is not an exhaustive list:
- Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans (Note: this does not include premium, craft or specialist products as these are not typically used by people with an alcohol use difficulty).
  - Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising.
  - Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers).

## **2 CONSULTATION**

2.1 Before publishing this policy statement, the Council has consulted with and given proper consideration to the views of the following in line with the statutory guidance:

- The Responsible Authorities
- Representatives of current licence and certificate holders
- Representatives of Local businesses
- Representatives of Local residents.

## **3 FUNDAMENTAL RIGHTS**

3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

3.2 Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to the Warwickshire Magistrates' Court against the decisions of the Council.

## **4 LICENSING CONDITIONS**

4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Premises include open spaces. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activities in the area concerned.

4.2 The Licensing Authority cannot impose conditions unless it has received a relevant representation.

4.3 When considering any conditions, the Licensing Authority acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy of the district. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.

- 4.4 The Licensing Authority will not implement standard licensing conditions on licenses or other relevant types of authorisations across the board. The Council will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of the representations received.

## **5 OPERATING HOURS**

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the 2003 Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously. This is expected to reduce the friction at late-night fast-food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the district.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received, and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons based on the licensing objectives for restricting those hours.

## **6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER**

- 6.1 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order are appropriate for the Council's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

## **7 CUMULATIVE IMPACT**

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. The Government guidance states that "need" is not a matter for the Licensing Authority but is a matter for the planning authority and the free market.
- 7.2 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider any area within the district to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.
- 7.3 The absence of a special policy does not prevent any Responsible Authority or any other party from making representations on a new application for the grant 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. The Act allows for such consideration, but the individual merits of each application must always be considered.

## **8 PROMOTION OF THE LICENSING OBJECTIVES**

### **Prevention of Crime and Disorder**

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment for large numbers of people, can sometimes be associated with elevated levels of crime and disorder.
- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses to discuss issues of concern directly with individual businesses, or, to contact the Police Licensing Officer if they believe that particular licensed premises are failing to promote this objective.

- 8.3 The Council will, through its Community Safety Partnership, devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to either overcome established or potential problems. A combination of short and longer-term strategies may need to be deployed by authorisation holders to sustain and promote the prevention of crime and disorder.
- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practices in whatever area of operation they are engaged. The Licensing Authority will regard each Responsible Authority as the expert in their respective fields and in some cases as the primary source of advice in relation to a particular licensing objective.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications when exercising its functions. The duty is placed upon the Council to do all that it reasonably can to prevent crime and disorder in its area. The Council will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The objective of preventing crime and disorder will include the Licensing Authority taking appropriate decisions and/or imposing appropriate conditions, upon a representation being received containing evidence that a licensed premises has a music policy which might incite violence, crime or disorder, or the threat of such, against minority groups.
- 8.9 The Licensing Authority is of the view that generally, in order to promote the licensing objectives; all licensed premises within the district are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.

- 8.10 The Licensing Authority and Police have a zero tolerance of illegal drug use in licensed premises and recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.

### **Drink Spiking**

- 8.11 Drink spiking is when somebody puts alcohol or drugs (illegal or prescription) into a person's drink without their knowledge or permission. The objective to prevent crime and disorder 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.
- 8.12 The Licensing Authority expects applicants for premises licences and club premises certificates, and current licensees, to take reasonable steps to prevent drink spiking on their premises. Control measures should be proportionate to the style of premises, taking into consideration government guidance on the matters and any recommendations made by local police licensing.

### **Violence Against Women and Girls (VAWG)**

- 8.13 The Government strategy for tackling violence against women and girls (VAWG) was published in 2021. Tackling violent crime in the nighttime economy is likely to have a direct impact on preventing violence against women and girls.
- 8.14 Where appropriate, applicants and licence holders should be proactive in preventing violence against women and girls, for example by participating in appropriate initiatives and raising staff awareness through training resources and guidance. Examples of initiatives include 'Ask for Angela' and the Welfare and Vulnerability Engagement (WAVE) training package
- 8.15 Serious Youth Violence – serious youth violence may occur in licensed premises, any operator that may hold entertainment that could attract a younger audience such as student nights must risk assess the event to ensure that any incidences of serious youth violence will be mitigated against. Measures could include the use of knife arches/wands, suitability of promoters, door supervision, robust entry and robust age verification. Any events of this type must work closely with the Licensing Authority and Warwickshire Police.
- 8.16 Drugs, violence, anti-social behaviour and theft of customers property are examples of crime and disorder issues which may be addressed by the following examples of recommended management practices being included in operating schedules, having due regard to the type of premises and/or activities:

- Effective and responsible management and supervision of the premises including associated open areas, appropriate storage of alcohol, discourage loitering/consuming alcohol outside the premises, ensuring opening hours are being adhered to.
- Participation in responsible management schemes such as the “Best Bar None” accreditation/award scheme.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder.
- Adoption of existing and future best practice guidance (e.g. [Safer Nightlife](#), [CAP](#), [RASG](#)) and other recognised codes of practice including those relating to drinks promotions i.e [Point of Sale Promotions by National PubWatch](#).
  - Acceptance of accredited “proof of age” documentation, as recognized by the Licensing Authority, Trading Standards or Police.
  - Maintaining appropriate signage and refusals logs.
  - Employment of sufficient SIA licensed door staff, i.e. within nationally accepted standards.
  - Provision of toughened or plastic glasses.
  - Provision of secure deposit boxes for confiscated items as recognised by the Licensing Authority in conjunction with the Police.
  - Provision of litter bins and security measures, such as lighting outside premises.
  - Other schemes including only purchasing alcohol from authorised wholesalers, not selling certain alcohol types/strengths (e.g. high strength beers/ciders or single cans above 6.5% ABV), restricting sales on certain alcohol types (e.g. miniature spirits) allowing “track and trace” identifier on products so Police and Trading Standards can identify which off-licence seized alcohol is from.
  - Provision of closed-circuit television (CCTV), with cameras covering relevant internal and external areas (including beer gardens) and entrances/exits to premises.

8.17 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises and licensed open spaces and public events, where large number of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack.

- 8.18 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Council will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the district.
- 8.19 In relation to premises seeking or holding a Premises Licence and where alcohol will be sold under the terms of that licence the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and to be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promote the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

### **Promotion of Public Safety**

- 8.20 Public safety is not defined within the Act, but the Government Guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.21 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.22 Holders of premises licences, and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.23 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.24 The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks from fire and take measures necessary to avoid and control them.

- 8.25 Conditions enforcing these requirements are, therefore, unnecessary.
- 8.26 From 1 October 2006, the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under Article 43 of the Order, any conditions imposed by the Licensing Authority that relate to any of the requirements or prohibitions that are, or could be, imposed by the Order have no effect.
- 8.27 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

### **Prevention of Public Nuisance**

- 8.28 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.
- 8.29 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.30 Public nuisance can range from low level nuisance affecting a small number of people to widespread disturbance affecting the whole community. Public nuisance associated with licensable activities may result from a range of issues including noise (raised voices and/or music), odour, light emission, litter and anti-social behaviour.
- 8.31 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.
- 8.32 The Licensing Authority expects authorisation holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public or statutory nuisance.
- 8.33 Any condition imposed by the Licensing Authority to promote the prevention of public nuisance objective, will focus on measures within the direct control of the holder of an authorisation or the designated premises supervisor.

- 8.34 New applicants and existing authorisation holders should be aware of any localities that street drinking is prevalent and ensure that their operating schedules and management practices have sufficient controls in place to mitigate this risk such as robust staff training, limiting the availability of high strength alcohol (the sale of beers, lagers and ciders over 6.5% ABV) and the sale of single cans of alcohol.

### **Protection of Children from Harm**

- 8.35 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that authorisation holders including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.
- 8.36 The Act prohibits children aged under 16 years old and unaccompanied by an adult, from being present in licensed premises (including premises operating under a TEN) that are being used primarily or exclusively for consumption of alcohol
- 8.37 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises where possible but cannot impose conditions requiring the admission of children to any premises. The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions restricting access by children.
- 8.38 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised "Proof of Age" scheme. The District Council supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed.
- 8.39 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.
- 8.40 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.

- 8.41 The Licensing Authority regards Warwickshire County Council's Child Protection Unit as being the primary source of advice and information on children's welfare and would normally expect any advice/ recommendations from the unit to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear appropriate to protect children from moral, psychological or physical harm.
- 8.42 To prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification.
- 8.43 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi-purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance to the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.44 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary public events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.45 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Council may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.
- 8.46 **Child Exploitation** - The exploitation of children can take a number of different forms and perpetrators may subject children and young people to multiple forms of abuse at the same time, such as criminal exploitation (including county lines) and sexual exploitation.
- 8.47 Through partnership working with the Police, Child Protection and other agencies the Licensing Authority will work towards raising awareness of the signs of child exploitation in licensed premises.

## 9 MANDATORY LICENSING CONDITIONS

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way alcohol is sold. The conditions apply to all appropriate premises.

## **10 OTHER CONSIDERATIONS**

### **Relationship with Planning**

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Committee and Sub-committees are not bound by decisions made by the District Council's Planning Committee, and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval, where appropriate.
- 10.3 There are also circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.
- 10.5 Communications will be maintained between the Licensing Authority and the Council's Planning Department to discuss relevant issues. Applicants are encouraged to discuss proposals with the Council's Planning department prior to starting a new business venture or making significant changes to an existing business.

### **Applications**

- 10.6 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Representations should be made directly to the Licensing Authority by writing to the address listed at paragraph 15.1 below.
- 10.7 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to meet the licensing objectives. Where no information is given by the applicant, there may be circumstances where the Licensing Authority considers the application to be incomplete and the application is returned without further processing.

- 10.8 In determining a licence application, the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing and in order to promote the licensing objectives and will only relate to matters within the control and ability of the applicant. Licence conditions will not normally be imposed where other regulatory provision is in force (e.g. planning, environmental health, fire safety, and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.9 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not propose unnecessary burdens, and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.10 In considering applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.11 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

### **Representations**

- 10.12 Where relevant representations are made regarding a particular application for the grant, variation or review of a premises licence the Council will consider the likely impact that the proposed use of the premises will have on promotion of the licensing objectives.
- 10.13 Representations which are made outside of the period prescribed by the Secretary of State or are, in the Council's opinion, frivolous or vexatious will not be considered by the Council as relevant representations.
- 10.14 Where relevant representations are made, a hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee (as appropriate) and the application will be determined once the application and representations have been considered.
- 10.15 The Council will determine the application using and considering supporting evidence from the applicant and any parties who have made representations.

10.16 Any decision of the Council will be relayed to the applicant as soon as is practicable and in writing.

### **People or organisations that can make representations**

10.17 Any responsible authority and/or other person is entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates or the grant of a provisional statement, regardless of their geographic proximity to the premises, and to make applications for the review of such authorisations.

**"Other person"** is defined as any individual, body or business including a member of the relevant licensing authority

**"Responsible authority"** is defined as:

- a) The Chief Officer of Police within which the premises are situated;
- b) the Fire Authority within which the premises are situated;
- c) the enforcing authority within the meaning given by Section 18 of the Health 12 and Safety at Work etc. Act 1974 in which the premises are situated;
- d) the local Planning Authority within which the premises are situated;
- e) the Local Authority for which statutory functions are exercisable in relation to minimising or reducing the risk of pollution to the environment or harm to human health in which the premises are situated;
- f) a body which: (i) represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and (ii) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;
- g) any Licensing Authority (other than the Council) in whose area part of the premises is situated;
- h) in relation to a vessel: (i) a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be navigated at a time when it is used for licensable activities; (ii) the Environment Agency; (iii) the British Waterways Board; (iv) the Secretary of State; or (v) a person prescribed for the purposes of this subsection;
- i) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated;
- j) the relevant licensing authority and other licensing authority in whose area part of the premises is situated [LA2003 13(4) (as amended)].

10.18 Making Representations: Representations may be made in relation to the following applications:

- Grant of Premises Licence
- Grant of Club Premises Certificate
- Variation of Premises Licence
- Variation of Club Premises Certificate
- Minor Variation of Premises Licence
- Minor Variation of Club Premises Certificate.

10.19 Representations are not limited to objections to licence applications but may also be made in support of applications. They will still be governed by the same rules as for objections.

10.20 Representations will not be accepted if they are deemed by officers to be frivolous or vexatious.

10.21 Representations may not be made anonymously. If a person believes there are exceptional circumstances relating to the disclosure of their identity, they are advised to contact the Licensing Service for advice

10.22 Representation should be made on the Council's 'Licensing Act 2003 Representation Form' which can be found on the councils website: [Applying for a New Premises Licence | Stratford-on-Avon District Council / 0327 Interested Party Representation Form FEB19 interactive.pdf](#).

### **Provisional Statements**

10.23 An application for a provisional statement shall be considered, subject to the provisions of the Act.

### **Temporary Event Notices**

#### **Standard TENS**

10.24 It is recommended that an applicant for a TEN should give at least 28 days prior notice of their intended event, together with a full description of the event. Further, that at the same time of submitting their application to the Licensing Authority they serve notice to the Police and Environmental Health (unless an electronic application). Section 100 of the Licensing Act 2003 stipulates a period of at least 10 working days, exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

10.25 There are strict limits on the number of TENS which can be submitted. Once these limits have been reached, the Council will issue a counter notice (permitted limits) if any more are given.

10.26 In the event of a valid objection to a Standard TEN, a sub-committee hearing will be held to determine the notice.

## **Late TEN's**

10.27 Late TENS can be given up to five working days but no earlier than nine working days before the event is scheduled. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. There are strict limits on the number of Late TENS which can be submitted. Once these limits have been reached, the Council will issue a counter notice (permitted limits) if any more are given.

10.28 In the event of a valid objection to a Late TEN, there will be no hearing. A counter notice will be issued. This is in accordance with the legislative requirements.

## **Live Music Act**

~~The Live Music Act came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music. The Act removed live music from the scope of Licensing Authority control, subject to certain criteria. However, controls may be added or reinstated at a review hearing if the way live music has been provided has been undermined the licensing objectives.~~

10.29 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 0800 and 2300 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing Sub-Committee determines that it is appropriate for such controls to be re-introduced.

## **Large Scale Events and Safety Advisory Groups**

10.30 Organisers of major events are encouraged to approach the Council at the earliest opportunity to discuss arrangements for the licensing of their events. Larger events will require a time-limited premises licence. This will involve the preparation of a substantial operating schedule, full public consultation, and a longer lead in period.

10.31 The Council requires a minimum notice period of not less than 3 months for events with a maximum number of attendees between 5000 – 19,999, and not less than 6 months for events with a maximum number of attendees greater than 20,000. These events have significant potential to undermine the promotion of the Licensing Objectives due to the number of attendees, the temporary nature of facilities and the variety and complexity of matters that may be relevant. The Council believes these concerns can only be properly mitigated by an applicant engaging with the licensing process at an appropriate time before the event. As part of the process the applicant may be required to participate in the Council's Safety Advisory Group (SAG) meeting(s) prior to the event being held.

10.32 The Council's Regulatory Services Department co-ordinates a SAG with membership comprising of all the emergency response and responsible authorities who can support event organisers on event planning if good time is allowed. All major events will be scrutinised and assisted by the SAG.

10.33 The Authority acknowledges the benefits of working closely with the Responsible Authorities and other statutory bodies in supporting event organisers in operating safe and well managed events. SAGs or multi-agency meetings are one way of promoting such partnership working.

## **11 BEST PRACTICE SCHEMES**

11.1 The Licensing Authority supports best practice schemes for licensed premises. Premises in an area covered by a scheme are encouraged to become members of that scheme.

11.2 New applicants & existing authorisation holders are encouraged to be a member of a local Pubwatch Scheme. Pubwatch is a community-based scheme, primarily focused on preventing crime and anti-social behavior in and around licensed premises. It involves licensees (owners of pubs and other licensed venues) working together to improve safety and security for staff, customers, and the wider community. Pubwatch schemes often share information, exchange support, and take joint action to address issues like anti-social behavior and criminal activity.

11.3 In determining applications for pubs, clubs and bars the Licensing Authority will expect the applicant to explain its approach to creating a safe and secure environment for everyone, including adoption of schemes supporting safeguarding of women, vulnerable customers and the protection of young adults in licensed venues.

11.4 Whilst aiming to create a safe and secure environment for everyone working and socialising in in pubs, clubs and bars, the Licensing Authority encourages applicants and premises licence holders to consider arrangements that could be put in place to manage the risk of sexual harassment of women, such as "Ask for Angela" scheme and WAVE training (Welfare and Vulnerable Engagement) and to protect young adults.

11.5 Applicants and licence holders for these types of venues should include these safeguarding measures in their operating policies and are encouraged to consider adopting the following measures to help prevent and reduce violent crime linked to the night time economy, to prevent and reduce sexual offences, reduce preventable injury linked to alcohol and drug use in the licensed economy and reduce opportunities for criminal activity and anti-social behaviour in licensed premises, by supporting (this list is not exhaustive):

- Ask Angela
- Welfare and Vulnerability Engagement training (WAVE),
- Women's night safety charter,
- Safe to talk domestic violence campaign,
- Get me home safely campaign.
- Any policies in relation to hate crime and the reporting of it and any other similar initiatives

## **12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION**

12.1 By consulting widely prior to this policy statement being published, the Council has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives but indirectly impact upon them.

12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee can request reports, where it thinks it is appropriate in the following areas:

- the needs of the local tourist economy to ensure that these are reflected in their considerations;
- the employment situation and the need for new investment and employment where appropriate; and
- the general impact of alcohol related crime and disorder
- the general impact of alcohol related harms to health.

### **Crime Prevention Strategies**

12.3 Crime prevention and drug and alcohol misuse strategies and the input of the Community Safety Partnership will be reflected in licence conditions, so far as possible.

- 12.4 The South Warwickshire Community Safety Partnership [SWCSP], with membership including the Council, Police and the West Midlands Fire Service, is committed to making Stratford district a safe place in which to live, work and visit. It is the role of the SWCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

### **Duplication**

- 12.5 When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

### **Promotion of Equality**

- 12.6 The Licensing Authority in carrying out its functions under the Act is obliged 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 different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.7 The Government Guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Council therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

## **13 ENFORCEMENT**

- 13.1 The Licensing Authority has an established working relationship with the Police and other enforcing authorities on enforcement issues through the Multi-Agency Licensing and Enforcement Meetings (MALEM). This will provide a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence/certificate is being complied with, to check compliance with other legislation and/or to deal with a complaint that has been received.

- 13.3 On some occasions a multi-agency group (representing a number of Responsible Authorities), will visit the premises. The officers inspect the areas of the premises relevant to their role.
- 13.4 There are several enforcement options that will be used as appropriate and in line with the Council's Enforcement Policy. These options include:
- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
  - Written warning – this is a step-up from verbal advice and authorisation holders are given a letter recording the warning given and containing the details of any necessary remedial action.
  - Review – when there is evidence to show that the licensing objectives are not being met then the authorisation holder will have to attend a review hearing in front of the Licensing Sub-Committee. A decision will be made by the Licensing Authority Sub-Committee based on the evidence put forward as to whether the DPS will be removed and/or the authorisation revoked, suspended, amended or have additional conditions applied.
  - Summary (Expedited) Licensing Review - The Summary Review procedure was effected by Section 53A-C of the Licensing Act 2003 inserted by section 21 of the Violent Crime Reduction Act 2006, which allows a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). The Licensing Sub Committee shall determine, by email, telephone (or in such other manner as may be deemed appropriate by the Committee Services Manager or by the Solicitor to the Council), whether it is necessary to take interim steps pending determination of the premises licence the subject of an application and a certificate issued by a Senior Police Officer stating that in his/her opinion named premises are associated with serious crime or serious disorder (or both) (the requirements of the Local Government Act 1972 concerning the giving of notice of meetings will not apply) Following a determination of interim steps, the licence will be subject to review, which will be heard in the usual manner
  - Prosecution – under the Licensing Act, certain offences can be instituted by the Licensing Authority/Director of Public Prosecutions /the Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation depending on the nature of evidence found.
  - Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Team also have powers to request closure through the Magistrates Court for continuing unauthorised alcohol sales.

## 14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

### Licensing and Regulatory Committee

- 14.1 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee of the Licensing Committee or by one or more Council Officers acting under delegated authority.
- 14.2 It is considered that many of the decisions and functions will be purely administrative in nature. In the interests of speed, efficiency and cost effectiveness the Licensing Committee may delegate these functions to a Sub-Committee, or in appropriate cases, to Officers supporting the licensing function.
- 14.3 Where under the provisions of the Act there are no relevant representations about an application, these matters will be dealt with by Officers. Should there be relevant representations then an oral hearing will usually take place before a licensing sub-committee except where all parties agree to proceed in writing. A licence/certificate review will normally take place before a Licensing Sub-Committee. The following table sets out the delegation of functions:

<b>Matters to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection 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	All other cases
Request to be removed as designated premises supervisor		All cases
Application to transfer of premises licence	If a police objection	All other cases
Application for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	

<b>Matters to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Determination of a police/EHO objection to a temporary event notice	All cases	
Determination of a Minor Variation application		All cases
Removal of the requirement for a designated premises supervisor at community premises	If a police objection	All other cases

### **Application forms and process**

- 14.4 The application form will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 14.5 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms will be available from the Licensing Team, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 14.6 Where national guidance permits, online applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.
- 14.7 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

## **15 COMMENTS ON THIS POLICY**

- 15.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Environmental Health and Licensing Team, Elizabeth House,  
Church Street, Stratford-upon-Avon, Warwickshire CV37 6HX  
Telephone Number: 01789 267575  
e-mail: [licensing@stratford-dc.gov.uk](mailto:licensing@stratford-dc.gov.uk) website: [www.stratford.gov.uk](http://www.stratford.gov.uk)

## Appendix 1

### **RESPONSIBLE AUTHORITIES LIST** Stratford-on-Avon District Council Area

#### **ENVIRONMENTAL HEALTH**

Stratford-on-Avon District Council  
Elizabeth House  
Church Street  
Stratford-upon-Avon  
CV37 6HX  
Tel: 01789 267575  
Email: [envhealth@stratford-dc.gov.uk](mailto:envhealth@stratford-dc.gov.uk)

#### **FIRE AUTHORITY**

Warwickshire Fire and Rescue Service  
Fire Protection Department (Licencing)  
Warwick Street  
Leamington Spa  
CV32 5LH  
Tel: 01926 423231  
E.Mail: [firesafety@warwickshire.gov.uk](mailto:firesafety@warwickshire.gov.uk)

#### **HEALTH AND SAFETY**

Stratford-on-Avon District Council  
Elizabeth House  
Church Street  
Stratford-upon-Avon  
CV37 6HX  
Tel: 01789 267575  
Email: [darryletrainor@stratford-dc.gov.uk](mailto:darryletrainor@stratford-dc.gov.uk)

#### **HOME OFFICE (Immigration Enforcement)**

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
Email: [alcohol@homeoffice.gov.uk](mailto:alcohol@homeoffice.gov.uk)

#### **NATIONAL HEALTH SERVICE/PUBLIC HEALTH**

Public Health Department (Licencing)  
NHS Warwickshire/Warwickshire County Council  
PO Box 43  
Shire Hall  
Warwick  
CV34 4SX  
E.Mail: [phadmin@warwickshire.gov.uk](mailto:phadmin@warwickshire.gov.uk)

#### **PLANNING**

Senior Planner  
Stratford-on-Avon District Council  
Elizabeth House  
Church Street  
Stratford-upon-Avon  
CV37 6HX  
Tel: 01789 260120  
Email: [planningenforcement@stratford-dc.gov.uk](mailto:planningenforcement@stratford-dc.gov.uk)

#### **POLICE**

Chief Officer of Police  
Warwickshire Police Licensing Team  
Warwickshire Justice Centre Leamington Spa  
Newbold Terrace  
Leamington Spa  
CV32 4EL  
Tel: 01926 684033  
Fax: 01926 684038  
E.Mail: [southwarkliquorlicensing@warwickshire.police.uk](mailto:southwarkliquorlicensing@warwickshire.police.uk)

#### **TRADING STANDARDS**

Simon Coupe  
Divisional Trading Standards Officer  
Old Budbrooke Road  
Warwick  
CV35 7DP  
Tel: 01926 414080  
E.Mail: [tslicensing@warwickshire.gov.uk](mailto:tslicensing@warwickshire.gov.uk)

#### **WARWICKSHIRE COUNTY COUNCIL CHILD PROTECTION**

Safeguarding, Quality and Assurance  
People Directorate  
B3 Saltisford Office Park  
Ansell way  
Warwick  
CV34 4UL  
Tel: 01926 742379  
E.Mail: [licenseapplications@warwickshire.gov.uk](mailto:licenseapplications@warwickshire.gov.uk)