



## STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2026 - 2031

**Effective from 05/01/2026**

## **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 may not be incorporated into this policy document and readers of this document are advised to check the Home Office/Gov.uk website to ensure they have the latest information.

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# STATEMENT OF LICENSING POLICY

## INTRODUCTION

- 1.1 Warwick 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 Warwick District Council (WDC) is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population exceeding 148,500 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 20 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 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.

Each objective is of equal importance, There are no other statutory licensing objectives, so the promotion of the four objectives is the principle consideration at all times.

- 1.5 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 Licensing Authority will therefore continue to work with neighbouring authorities, all responsible authorities, local businesses, arts organisations, performers, local people and all those involved in child protection to promote

the common objectives as outlined. In addition the Licensing Authority recognises its duty under s.17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder.

The legislation also supports a number of other key aims and purposes which in promoting the licensing objectives the Licensing Authority will have as principle 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 licences 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 licenced premises play in our local communities by minimising the regulatory burden on businesses, 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 licenced premises;
- Working with the local police and partner agencies towards the prevention of violence, including violence against woman and girls (VAWG) in the night time economy.

- 1.6 This policy statement has been prepared in accordance with the provisions of the Act and the guidance issued under s.182 of the Act. The policy statement is valid for a period of 5 years, until 5<sup>th</sup> January 2031. This policy statement will be subject to review and further consultation prior to any substantial changes.
- 1.7 A list of contact details for the responsible authorities authorised under the Act is attached to this policy statement as Appendix 1.
- 1.8 The Licensing Authority has recognised Warwickshire County Council as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purposes of s.13 of the Act.
- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the guidance issued under s.182 of the Act wherever possible. 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**

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 1.11 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 callouts 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.
- 1.12 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. 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).

## **CONSULTATION**

2.1 Before publishing this policy statement the Licensing Authority has consulted and considered 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

## **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 Licensing Authority have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Licensing Authority.

## **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' includes open spaces. Conditions attached to various authorisations will be focused on matters that are within the control of the 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 Licensing Authority 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 other normal activities in the area concerned.

- 4.2 The Licensing Authority can impose conditions if it has received a relevant representation or if such conditions are consistent with the operating schedule.
- 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. 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 impose standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Licensing Authority 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 any representations received.
- 4.5 The Licensing Authority has produced a set of model conditions, which is aimed at assisting and supporting applicants through the application process. The model conditions would also assist the Licensing Authority and Responsible Authorities in deciding which conditions would be appropriate to add to a licence. The model conditions may be found on our website.

## **OPERATING HOURS**

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the 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 thereby reducing the friction at late night fast food outlets, taxi ranks and other forms 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 relevant representations giving good reasons based on the licensing objectives for restricting those hours.

## **LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS**

- 6.1 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order are appropriate for the Licensing Authority'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.

## **CUMULATIVE IMPACT ASSESSMENT**

- 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 Council 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. 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 has not been presented with sufficient evidence to 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.

## **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 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, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.
- 8.3 The Licensing Authority 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 to individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations 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 practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field 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 specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.

8.8 The Licensing Authority is of the view that generally, 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.

8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but 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.

Many licensed premises work incredibly hard to ensure that their customers can enjoy a night out safely and deter perpetrators.

To support licensed premises, several industry associations produced a factsheet which includes recommendations and some resources for the hospitality sector on how to respond to and prevent spiking. The fact sheet can be found here: [www.local.gov.uk/publications/lga-guidancenote-drink-spiking-prevent](http://www.local.gov.uk/publications/lga-guidancenote-drink-spiking-prevent)

Premises should ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is also helpful to the police if staff:

- obtain full details of the affected person reporting the incident, including a description of what they are wearing as officers will want to track them on CCTV.
- can provide as detailed a description of the suspected perpetrator as possible, if known, including clothing
- can provide an approximate time of the incident and the location within the premises where they believe it occurred.
- can secure the drinking vessel(s) that is suspected as containing the 'drug' so this can be tested at a later time.
- can seize any drinking vessel that the suspect may have been using.
- ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance, if needed, and providing a safe space for the customer.
- ensure appropriate training is provided to relevant members of staff.
- review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there.

Premises should also review the functionality of any CCTV and ensure it is not obscured.

- consider providing information (such as posters) regarding drink spiking in the premises.

- consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available in your area by the police or council.

8.10 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 Licensing Authority 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.

8.11 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 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 promotes 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**

8.12 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.

8.13 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.

8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.

8.15 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.

8.16 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.

Conditions therefore enforcing these requirements are, therefore, unnecessary.

8.17 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 Order have no effect.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

8.18 'Martyn's Law' has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonable practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm. We would expect all licensees and people submitting temporary event notices to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate and to comply with any requirements set out within the Act as and when it comes into force.

### **Prevention of Public Nuisance**

8.19 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.

8.20 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, cooling, noise breakout and noise/vibration transmission to adjoining premises.

- 8.21 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should seek to pre-empt potential nuisance, especially if complaints have previously arisen at the same venue.
- 8.22 The Licensing Authority expects holders of authorisations to use their risk assessment 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.
- 8.23 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.
- 8.24 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

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

- 8.25 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, 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.
- 8.26 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) being used primarily or exclusively for consumption of alcohol.
- 8.27 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 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, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.28 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.29 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.
- 8.30 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.
- 8.31 The Licensing Authority regards Warwickshire County Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.
- 8.32 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 8.33 In order 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. In exceptional cases e.g. where the BBFC has not classified a

film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.

- 8.34 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 the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.35 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 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.
- 8.36 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority 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.
- 8.37 The exploitation of children can take several 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.
- 8.38 Through partnership working the Police, Child Protection and other agencies the Licensing Authority will work towards raising awareness of the signs of child exploitation in licenced premises.

## **MANDATORY LICENSING CONDITIONS**

- 9.1 The Licensing Act 2003 states that there are certain mandatory conditions. These have to be included in every licence and/or club premises certificate in specified circumstances. Some of the mandatory conditions relate to premises licences that authorise the sale of alcohol, while others relate to conditions for door supervisors. Details of these mandatory conditions can be found on the Gov.Uk website.

## **OTHER CONSIDERATIONS**

### **Relationship with Planning**

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the 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; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning restrictions. 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 The 'agent of change' principle which seeks to protect uses, particularly regarding venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under both regimes and is supported by this policy. Where reviews are sought by residents or responsible authorities in relation to public nuisance alleged to arise from a licenced premises, the nature of the premises, its track record and length of time it has been providing the activities complained of will all be taken into account in determining the application.

### **Applications**

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.

- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning,

health and safety at work, 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.

- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the 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.
- 10.10 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.

### **Live Music Act**

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 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 and Regulatory Sub-Committee determines that it is appropriate for such controls to be re-introduced.

### **Public Spaces Protection Order**

- 10.12 At the time of writing, The Warwick District Public Spaces Protection Order (PSPO) (Introduced by The Anti Social Behaviour, Crime and Policing Act 2014) are under review. Regardless of the outcome of the PSPO review the local authority must have regard to section 62 and 63 of the 2014 Act which limits what can be restricted in relation to alcohol. For example, where a

PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as on licensed premises (or within its curtilage), premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol, or facilities or activities relating to the sale or consumption of alcohol which are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses). Section 63 makes it an offence only when a person refuses or fails to comply with a reasonable requirement from an authorised person not to consume or surrender alcohol.

## **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.

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

12.1 By consulting widely prior to this policy statement, the Licensing Authority 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 Licensing Authority, 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 and Regulatory Committee can request reports, where it thinks it is appropriate on 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 policies and the input of the South Warwickshire Community Safety Partnership (SWCSP) will be reflected in licence conditions as far as possible.

12.4 The SWCSP is committed to making South Warwickshire 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 Licensing Authority will avoid duplication with other regulatory regimes as far as possible. Therefore, the Licensing Authority 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.

The Government guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Licensing Authority 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.

## **ENFORCEMENT**

13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting (MALEM). This provides a more efficient deployment of resources targeting high risk premises and activities.

13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate Enforcement Policy in respect of licensing.

13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or

certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.

- 13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.
- 13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing 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 holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.
  - Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of non-compliance remain a more formal enforcement option further up the scale may be selected in order to achieve compliance.
  - Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.
  - 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 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.
- Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

## **ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

### **Licensing and Regulatory Committee**

- 14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established Sub-Committees to determine some matters under the Act.
- 14.2 The Council's Constitution defines those responsibilities and is available for inspection on the Council's website, but a summary of responsibility is set out in Table 1 below.

14.3 Table 1:

<b>Matters to be dealt with</b>	<b>Full Committee</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		
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		If a police objection	All other cases

14.4 However Council has retained the power to set the Council's Licensing Policy Statement, but it will seek the views of the Licensing & Regulatory Committee before determining any amendments.

### **Application forms And Process**

14.5 All application forms 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.

14.6 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 and guidance leaflets will be available from the Licensing Authority, 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.

14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.

14.8 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 Pre-Application Advice Service**

15.1 From January 2026 we will be offering a pre-application advice service to support licensing applications made under the Licensing Act 2003. The aim is to help anticipate and fix any problems which may arise during the application process.

15.2 However, any advice provided cannot pre-judge the outcome of the licensing application, especially if representations are received and a hearing is scheduled to take place before a Licensing Sub-Committee. The pre-application service will highlight common pitfalls and assist business owners through the licensing consultation process, in turn promoting the vision to help make the district a great place to live, work and visit.

15.3 The pre-application consultation service will offer:

- Advice and assistance with completing application forms;
- Advice on appropriate conditions taking into account the type and style of the operation intended at the premises, its location.
- Advice on drawing up plans to accompany the application in accordance with the relevant regulations;
- Advice on nominating an appropriate Designated Premises Supervisor;
- Assistance with completing the statutory notices and advertisements
- On-site visits are available to ensure plans are compliant with regulations and the appropriate statutory notices are correctly on display;
- Advice on matters you may need to consider assessing possible noise transmission to neighbouring properties, dependent on the type of operation proposed for the premises;
- Advice on measures to promote the licensing objective of prevention of crime and disorder;

15.4 Our current charges for this service are currently being approved but will be available on our website in due course.

15.5 With regard to any pre-application consultation, the written confirmation will state that pre-application consultation advice will not give applicants any exemptions from the licensing process. Responsible authorities, including the Licensing Authority, Environmental Protection, Health & Safety etc may still make a representation against the application and the case may still need to be heard at Licensing Sub-Committee for a decision to be made.

15.6 The advice given will not include views from other responsible authorities such as Warwickshire Police or the Fire Authority, Trading Standards, Planning etc. Determining any application that is subject to representations will be the function of the Licensing Sub Committee who will consider the application and the representations on its own merits and determine the application accordingly on the basis of whether it promotes the licensing objectives.

15.6 The impartiality of the Licensing Officer will be maintained throughout the consultation process, when processing any subsequent application and where an application goes before the licensing sub-committee. Where possible, a different licensing officer will provide the pre-application advice to that of the officer who processes the subsequent application. Any applications where representations are made will be determined by the licensing sub-committee. The Licensing Officer's role at the sub-committee is limited to providing advice on policy and national guidance.

15.7 The pre-application consultation service is provided by experienced officers of the Licensing Authority. It is not provided by solicitor and therefore does not constitute legal advice.

## **COMMENTS ON THIS POLICY**

16.1 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:

Warwick District Council, Licensing Team, Town Hall, Parade, Royal Leamington Spa, CV32 4AT.

Email: [licensing@warwickdc.gov.uk](mailto:licensing@warwickdc.gov.uk)

## **APPENDIX 1 – LIST OF RESPONSIBLE AUTHORITIES**

### **POLICE:**

Chief Officer of Police  
Warwickshire Police Licensing Team  
Warwickshire Justice Centre Leamington Spa  
Newbold Terrace  
Royal Leamington Spa  
Warwickshire  
CV32 4EL  
Tel: 01926 684033  
Email: [southwarksliquorlicensing@warwickshire.police.uk](mailto:southwarksliquorlicensing@warwickshire.police.uk)

### **FIRE AUTHORITY:**

County Fire Officer  
Fire Service Headquarters  
Warwick Street  
Royal Leamington Spa  
CV32 5LH  
Tel: 01926 423231  
Email: [firesafety@warwickshire.gov.uk](mailto:firesafety@warwickshire.gov.uk)

### **AUTHORITY RESPONSIBLE FOR HEALTH AND SAFETY:**

Warwick District Council  
Town Hall  
Parade  
Royal Leamington Spa  
CV32 4AT  
Tel: 01926 456707  
Email: [hcphealthandsafety@warwickdc.gov.uk](mailto:hcphealthandsafety@warwickdc.gov.uk)

**AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:**

Warwick District Council  
Town Hall  
Parade  
Royal Leamington Spa  
CV32 4AT  
Tel: 01926 456741  
Email: [pollution@warwickdc.gov.uk](mailto:pollution@warwickdc.gov.uk)

**THE LICENSING AUTHORITY:**

Licensing Team  
Community Protection  
Warwick District Council  
Town Hall Parade  
Royal Leamington Spa  
CV32 4AT  
Tel: 01926 45675  
Email: [licensing@warwickdc.gov.uk](mailto:licensing@warwickdc.gov.uk)

**AUTHORITY RESPONSIBLE FOR PLANNING:**

Warwick District Council  
Town Hall  
Parade  
Royal Leamington Spa  
CV32 4AT  
Tel: 01926 456536  
Email: [planningenquiries@warwickdc.gov.uk](mailto:planningenquiries@warwickdc.gov.uk)

**BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:**

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)

**WARWICKSHIRE COUNTY COUNCIL TRADING STANDARDS**

Warwickshire Trading Standards

Old Budbrooke Road

Warwick

CV35 7DP

Tel: 01926 414040

Email: [tradingstandards@warwickshire.gov.uk](mailto:tradingstandards@warwickshire.gov.uk)

**NATIONAL HEALTH SERVICE/PUBLIC HEALTH:**

Public Health Department (Licensing)

NHS Warwickshire/Warwickshire County Council

PO Box 43 – Shire Hall

Warwick

CV34 4SX

Email: [phadmin@warwickshire.gov.uk](mailto:phadmin@warwickshire.gov.uk)

HOME OFFICE (Immigration Enforcement)

[IE.licensing.applications@homeoffice.gov.uk](mailto:IE.licensing.applications@homeoffice.gov.uk)