

10.2 Consultation questions

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The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK representing regulators (local authorities and police), industry and private practice. Our areas of interest concern all public regulatory licensing and related areas. As the professional body for licensing, we support good regulation which is necessary and proportionate to deliver its intended outcomes while minimising the burden on all parties. We respond to this consultation with these principle aims in mind.

Intended outcomes

The intended outcomes of the London Strategic Licensing Pilot are referenced in [Appendix 2 of the draft policy](#).

Which of the intended results of the London Strategic Licensing Pilot are most important to you? (Please select the three most important)

- ✓ **Clearer and easier to understand licensing decisions**
- ✓ **More reasonable, proportionate licensing decisions**
- ✓ **Licensing decisions that keep people safe**

- Licensing decisions that support local businesses
- Sharing of learning and good practice between stakeholders
- Better use of information and data to help make decisions
- Support for a lively, sustainable range of nightlife venues
- Fair and reasonable licensing costs for businesses
- Consistent and clear licensing costs for businesses

- Safer and more inclusive environments for everyone, especially women and girls
- London to be seen as a great city for culture and hospitality
- Future improvements to national licensing informed by the pilot

Are there any other intended outcomes that are important to you?

All of the listed outcomes are important. The Institute of Licensing supports good regulation which delivers its core aims while minimising burdens on all parties.

Strategic importance

As part of the proposed London Strategic Licensing Pilot, there would be a role (call-in power) for the Mayor to determine certain licensing applications that are considered to be strategically important for London as a whole. Please look at [Appendix 3 in the draft policy document](#) for the exact wording.

Which of these types of applications do you believe should be considered strategically important? (Tick all that apply)

- ✓ Large venues with a significant impact on London's economy or culture
 - Venues that are culturally or historically important to local communities
- ✓ Major events or festivals that attract large numbers of visitors
 - Venues in important night-time or cultural areas (e.g. major town centres)
 - Applications in areas with Cumulative Impact Assessments
- ✓ Applications linked to major Mayoral development projects
 - Venues or events in iconic locations shaping London's profile
- ✓ Events supported by UK Government or major national programmes
 - Meanwhile use (bringing empty spaces into active use)
 - **Not sure**
 - Other (please tell us)

The call in power is intended to be used sparingly and only where considered absolutely necessary, and the draft policy sets out a proposed criteria for applications of strategic importance, including

- *venues and activities capable of generating substantial economic activity London-wide*

- *locations that the London Plan has identified as being central to delivering London's nightlife, cultural, economic and regeneration priorities. (including CIAs)*
- *premises or events that are likely to draw national or international audiences; significantly influence the character or identity of a high street, town centre, or neighbourhood; or otherwise shape wider perceptions of London's cultural, social, or economic life.*

We consider that these are sensible guidelines on what would constitute applications of strategic importance, although we note that premises in fee bands A-C are currently excluded and this would exclude premises awaiting valuation. There is also no mentioned currently of provisional statements.

Principles

The draft London Strategic Licensing Policy sets out five principles to guide licensing decision-making.

Please rank these 5 principles in order of importance, where 1 is the most important for you and 5 is the least important.

1. Be evidence-led, proportionate and reasonable, avoiding unnecessary costs and burdens
2. Ensure a transparent licensing process, supported by early engagement, proportionate enforcement and a starting with simple steps before taking stronger action to fix problems
3. Recognise and value the safety and health benefits of well-managed night-time activity
4. Support a mix of cultural, hospitality, and night-time activities to include everyone
5. Support economic growth, socialising and culture

Do you have any comments or suggestions on the proposed principles?

*The consultation states that the pilot will introduce a 'discretionary power for the Mayor to call in, review and make an evidence-based decision on applications of strategic importance **after a London licensing authority has made its decision.**' If this is the case, how does this impact on the appeals process – this is not currently clear within the consultation or within the English Devolution and Community Empowerment Bill.*

The consultation also states that ‘the proposed strategic approach is intended to support, not replace, the role of local licensing authorities and statutory responsible authorities such as the police and the environmental health and fire authority.’ We strongly support a supportive and collaborative approach, and it will be important that the pilot is not perceived as undermining the existing regime or the role of licensing authorities.

We consider that all of the listed principles are important. It is essential that the licensing process is proportionate, evidence led, transparent and clear, and not generically applied or ‘as standard’. The licensing objectives will ensure that any negative impacts in relation to local residents are also given due consideration in determining applications.

Priorities

The draft London Strategic Licensing Policy also sets out five Mayoral priorities for licensing in London.

Please rank these 5 priorities, in order of importance to you, where 1 is the most important and 5 is the least important.

1. Promote better alignment between the licensing and the planning regimes
2. Ensure a proportionate use of cumulative impact assessments (i.e policies that can have the effect of limiting the number of licensed spaces)
3. Ensure London stays a safe, welcoming and inclusive city
4. Contribute to bringing high streets back to life through making good use of empty spaces (i.e meanwhile uses), pavement licensing and innovation for nightlife spaces
5. Promote major events, socialising, social cohesion and community life

Do you have any comments or suggestions on the proposed priorities?

All of these priorities are important. Fundamentally, the licensing regime should work to deliver its intended outcomes: safe, well managed licensed premises and events, while minimising the burden on all parties (restrictions and requirements only where necessary and proportionate to promote the licensing objectives).

Licensing should be an enabling place management tool, working collaboratively with planning as a place making tool. Collaborative working will be most effective at officer level, prior to and during the application process, and this is encouraged through the draft policy but would benefit more widely from emphasis within national statutory guidance under both the licensing and planning regimes.

An additional priority should be ensuring a consistent, efficient and business-like approach to

licensing administration by local authorities. This should include responsible authorities engaging at an early stage rather than raising representations at the end of the consultation period and mediating to discuss and mitigate concerns where possible. Businesses rely on certainty and timeliness in licensing processes, and improvements in this area would provide practical benefits.

Opportunities

Are there any other relevant opportunities that could be included or strengthened as part of this policy and how?

We welcome the requirement in the English Devolution and Community Empowerment Bill for full consultation with parties including each of the London licensing authorities and the police in relation to the proposed policy.

We would also recommend the Partnership Charter for the Night Time Economy which was drafted in consultation with a stakeholder group including GLA representatives. The Charter supports the principles outlined within the London Strategic Licensing Policy and highlights initiatives from across the UK including within London. The Charter Principles are summarised below:

The Partnership Charter principles

- ***A thriving night time economy***

We'll work with stakeholders to grow a vibrant, inclusive night time economy through strategy, promotion, support, and shared training.

- ***An inclusive night time economy***

We'll build an inclusive, accessible night time economy with simple, affordable licensing for all.

- ***A safe night time economy***

We'll work with stakeholders to promote safety, welfare, legal awareness, and responsible conduct across the night time economy.

- ***A sustainable night time economy***

We support a greener night time economy through recycling, energy efficiency, local sourcing, and sustainable transport initiatives.

- ***Support for programmes***

We'll support safe, vibrant nightlife through community forums, mediation, and fair licensing.

- **A Collaborative Approach**

We'll promote open, supportive collaboration between venues and authorities through fair, proportionate, and locally adaptable regulation.

- **Working with communities**

We will work with communities to encourage dialogue, resolve concerns and support a positive night time environment.

- **Measuring and celebrating success**

We'll track local progress and build on shared successes to strengthen the Charter's impact.

The Charter can be accessed online via <https://instituteoflicensing.org/partnership-charter-for-the-night-time-economy/>

Expectations

What do you think of the expectations set out in the policy for licensing authorities, responsible authorities and applicants?

The draft policy sets out principles of decision making and Mayoral priorities which support the existing framework. There are no surprises here, and the principles should already be followed in most cases by licensing authorities, including making the licensing process fair and transparent, ensuring collaboration and mediation to resolve issues (or potential issues) at an early stage in order to avoid where possible the need for more formal steps.

A graduated approach to compliance is well established as essential and failure to demonstrate this will undermine more stringent compliance actions. There may be instances where issues arise which are so serious that immediate and stringent measures are necessary, but even in times of urgency, any action should be necessary and proportionate to the circumstances.

We agree that licensing is an enabling regime which should support growth (S182 1.18). It is also a balancing regime, requiring consideration of the likely impact on the licensing objectives. There are further requirements through the National Licensing Policy Framework which emphasise the importance of considering economic impact, and also a wider duty on local authorities to promote economic growth under Section 108 of the Deregulation Act 2015.

Inclusion of the GLA as a Responsible Authority is supported as a sensible approach bringing the GLA into the licensing function on the same footing as other Responsible Authorities including the Police and ensuring awareness of applications at an early stage. We support the need for London licensing authorities to consult with the Mayor in formulating their own Statements of Licensing Policy. This will serve to enable alignment and avoid conflicting policy statements which is essential given the requirement to consider the Statutory Guidance (Section 182), the National Licensing Policy Framework, the London Strategic Licensing Policy and the licensing authority's own Statement of Licensing Policy when determining applications.

Evidence

One aim of the pilot is to improve the use of data and evidence in licensing.

What data, information or evidence would be most useful to you that you do not currently have access to?

Updated police incident data with methodology disclosure; environmental health noise complaints with verified linkage; hospital admissions and ambulance data where relevant; footfall and business turnover indicators; independent evaluation of prior policy impact; equality impact assessment.

Access to more detailed and contextualised data regarding noise complaints, distinguishing between complaints that are merely recorded and those that have been investigated and substantiated by environmental health officers.

It has been suggested that it would be helpful to have a register of licensing inspections and test purchases, including both positive and negative outcomes. At present, negative compliance issues are often highlighted without context, whereas data on positive compliance is not readily available. A more balanced dataset would provide a more accurate picture of the sector.

Do you have any other comments on the content of the draft London Strategic Licensing Policy?

We consider that the intentions, principles and priorities set out in the draft policy are positive and broadly reflect existing best practice. Many of these are already contained within existing legislation and guidance, so the key issue is their consistent application and enforcement.

Clarification would be helpful on the operation of the proposed call-in powers, including:

- *whether hearings will be conducted and in what format*
- *whether there will be any power to award costs*
- *at what stage an application can be identified as strategically important (it would be beneficial for this to occur as early as possible in the process)*
- *The appeals process where a decision is called in if this occurs after determination of the application by the licensing authority.*

The Institute of Licensing would be happy to assist in the development and review of the pilot. It has been pointed out that there is little reference to local residents who have an integral part to play in the licensing process, and there may be an opportunity to include within the policy more information for residents about their role and expectations concerning representations etc.