

CGCA Comments on GLA Draft Strategic Licensing Policy

1.1 What is the SLP?

Licensing should support economic growth WHILE

- Promoting Licensing Objectives
- Protecting Londoners
- Strengthening well-managed town-centres and high street

Why is protecting Londoners not covered by the Licensing Objectives?

Pilot measurement

- Measures and powers
- Improved consistency on Licensing Data
- Guidance, training and support through London Licensing Playbook

Why no measurement of impact on Licensing Objectives (crime and nuisance in ENTE periods, for example)

Applies only to on and on/off premises, LNR and regulated entertainment, not retail

1.2 Why London needs an SLP

Current approach inconsistent, increases spatial and demographic inequalities

Won't concentrating Licensing in certain areas also increase inequality? If you live in Soho you can't sleep at night?

Cost of obtaining a License is significant?

This is a choice about evidence to support – good pre-engagement with residents groups and RAs would be MUCH cheaper. This is in most SoLP but not done (or promoted by Boroughs).

Current system doesn't allow flexibility for mixed use premises

Licensing plays a role because inactive town centres feel more dangerous

This is not an issue in CAZ where the Mayor wishes to have call-in options

Data collected at Borough level is inconsistent

This is not just true about licensing but also about its impact. Noise data is not available to see the impact on nuisance (for example).

2 Legal Status and Application

The 4 Licensing Objectives remain paramount/primary

Licensing Policies and Decision at Borough level should to "conform" with London Plan and London Growth Plan.

2.3.5 These outcomes show that economic vitality, and promoting the licensing objectives, are not in conflict. When licensing is planned and managed strategically, then growth, creativity and safety reinforce one another to deliver social and economic benefits for Londoners.

The validity of this statement is very dependent on context. A strategic approach to Licensing across London 07:00-23:00 might well achieve this. There will be less impact on the Licensing Objectives in this period. After 23:00 the situation is different because people live in the ENTE areas and need to be able to sleep.

In 2017 the Mayor published “From good night to a great night, A Vision For London As A 24-Hour City”. The Mayor’s introduction ends by saying the following.

A balance must be struck between work, rest and play for London’s eight million residents. No matter what time we go to bed, we all need good sleep. Nothing we do must compromise that basic right.

The Mayor apparently thinks that this is no longer a basic right.

3 Strategy

The sector needs to be able to invest and adapt and relies on places that “feel safe and clean”.

Agree – but how does adding more licenced premises into areas already suffering from their impacts help with this?

3.2.5 “growth cannot – and must not – come at the expense of Londoners’ health and safety”

What is included in health and safety? What about ability to sleep undisturbed as part of health impacts? The Mayor’s position in 2017 was “*A balance must be struck between work, rest and play for London’s eight million residents. No matter what time we go to bed, we all need good sleep. Nothing we do must compromise that basic right.*” Is growth more important than this?

The Policy is based on the London Nightlife Taskforce report and its evidence base

We need to review this report and its evidence, as some parts are, in our view, illogical. We can provide a separate document on this topic.

3.3.3 “*For residents, it should provide better access to information; more transparent reasoning behind decisions; and stronger avenues for mediation before conflict escalates.*”

What we most want is that it prevents crime, disorder and public nuisance, especially noise late at night. Will it?

4 The Mayor’s Role

Mayor will support strong local decision making and focus his efforts on applications that are “*of strategic importance for London, according to specific and transparent criteria*”

These are covered in 4.3.4 and Appendix 3

4.3.4 “*... if it is likely to have an impact that extends beyond a single premises or neighbourhood – thus affecting London’s economy, locations of strategic significance, or its reputation as a global city.*”

Appendix 3 (subject to Secondary Legislation in EDCE Bill/Act)

Economic Impact

- 1.1 Premises with a rateable value over E
- 1.2 Events with a time-limited licence of < 3 months
- 1.3 Applications for meanwhile uses D or above

Location

- 2.1 Included in London Plan 2021 as being within NT1, NT2, CAZ, Growth Areas, Regeneration areas
- 2.2 Within a CIA or other area based restriction

Reputational

- 3.1 Premises or events in iconic or high-profile locations identified in the London Growth Plan
- 3.2 Areas covered by a Mayoral Development Area or a Mayor Development Order
- 3.3 Events that are formally supported by the UK government,

This covers a huge area of London, not just the West End. In almost any area that already has a concentration of nightlife the Mayor can call in the application. The Appendix definitions allow many more premises than in 4.3.4

London Licensing Playbook is guidance for Local Authorities and it is expected that they will use it – but cannot make them.

5 Five Principles of Decision Making

1. *Licensing decisions must be evidence-led, proportionate and reasonable, avoiding unnecessary costs and burdens*

This contains a significant focus on the need for evidence. Any new or varied licence application cannot be based on evidence – it can only be based on a reasonable expectation of impact on the Licensing Objectives. There is case law about this. This section needs to be reworded to reflect this.

The evidential requirement also places a significant burden on the Responsible Authorities – they need to be able to explain why every proposed condition is necessary and proportionate in every case.

2. *Licensing decisions must support economic growth, socialising and culture*

Applicants can show how they will support economic growth and culture

At the same time before submitting representations RA and others needs to consider if the area is a designated Strategic Area and evidence against needs to be strong enough or outweigh the expectation.

This refers to 6.1.4 but it does not exist

Allow flexible opening hours – but “At the same time, licensing authorities should be safeguarding public safety, and residential amenity; and maintaining the licensing objectives.”

3. *Licensing decisions should support a diverse and inclusive cultural, hospitality and night-time offer*
4. *Licensing authorities must recognise and harness safety and health benefits of well managed night-time activity*

Licensing authorities are encouraged to allow a range of closing times. This will help reduce congestion, transport pressure and the potential for anti-social behaviour, crime or nuisance.

If this was aimed at suggesting that earlier closing times for some premises to spread the volume of people then it would be OK. But this is aimed at allowing some premises to close later. This may work in some locations, but not where there is a concentration of premises. More people late at night = more nuisance and crime

Needs to be better use of data (including crime, ASB and noise)

Absolutely, but it needs to be collected, and currently is not.

5. *London licensing authorities must ensure a transparent licensing process, supported by early engagement, proportionate enforcement and a graduated approach to resolving problems*

There is a focus on effective pre-engagement. This is critical, but there is no requirement on applicants to do this. Any failure to carry out effective pre-engagement should disqualify the applicant from benefitting from call-in.

Decisions to proceed to a hearing must be evidence-led.

Is this not a legal requirement?

6. Five Mayoral priorities for licensing

1. *Promote better alignment between the licensing and the planning regimes*

Hold hearings together or close to each other

Have a Vision for the Night-time economy

Be consistent with London Plan designations (NT1, NT2, NT3)

Apply Agent of Change in Planning decisions and ensure appropriate mitigation measures are in place

There is not a requirement to include Agent of Change in Licensing Decisions – because this would then put the burden of mitigation on the licensee. We want for Agent of Change to be 2 way and included in Licensing Decisions as well.

In the glossary Agent of Change is defined as:

A planning and licensing policy principle, under which the party introducing a new use or development is responsible for managing and mitigating its impacts.

The example given is protecting new noise sensitive development from placing retrospective restriction on established premises.

If Agent of Change is a Licensing Policy principle why is it not included in the Policy? Surely any new or varied licence is an agent of change and needs to mitigate its impact on existing noise sensitive uses, no matter whether or not these are in a strategic areas for nightlife.

2. *Ensure a proportionate use of cumulative impact assessments*

If a premises is well managed and aligned with Mayoral priorities the LA needs to consider if impacts can be mitigated rather than relying on the CIA

Isn't this what already happens?

The London Plan designation should act as a guiding framework when interpreting local evidence

This appears to mean that if you are in the CAZ then evidence that the area is busy, noisy and dangerous should be interpreted as this is what you would expect, live with it.

3. *Promote major events, socialising, social cohesion and community life*

4. *Contribute to revitalised high streets through meanwhile uses, pavement licensing and innovation for nightlife spaces*

5. *Ensure London remains a safe, welcoming and inclusive city*

Licensing needs to work closely with Councils and MPS to ensure areas feel and are safer. Councils should prioritise initiatives in high risk public spaces – including visible policing presence

This has always been the case but does not actually happen. Without visible policing of the main NTE areas at night there will continue to be issues. There is not commitment to address this, even through the Mayor can influence the MPS to deliver this.

7. Working in partnership

Focus on partnership at local and London levels

8. Data to support the London Strategic Licensing Policy and future evaluation

Encouragement to collect and share data using a shared data standard

Data will be gathered to evaluate the impact of the trial

There is no requirement to measure impact on the crime and nuisance. There should be.

Appendix 1: Glossary

Appendix 2 - London Strategic Licensing Pilot

There is a table of outcomes and indicators included (as below)

Outcome	Indicators
A higher-quality, more transparent, proportionate, and evidence-driven licensing system	<ul style="list-style-type: none">• Fewer conditions imposed on premises licences• Several licensing cases are determined without going to hearing

Outcome	Indicators
	<ul style="list-style-type: none"> Fewer cases brought for review, or going to appeal
<p>Why are fewer conditions a measure of success? If the encouragement I to grant with mitigation rather than refuse perhaps more conditions are a measure of success.</p> <p>Several licensing hearings determined without going to hearing? Measure should be proportion of hearings avoided.</p>	
<p>Stronger partnerships between London licensing authorities, businesses, responsible authorities, and communities</p>	<ul style="list-style-type: none"> Examples of partnership working and active local forums
<p>Examples do not say whether it works. Requires a stakeholder survey at Borough level.</p>	
<p>An enhanced global reputation for London</p>	<ul style="list-style-type: none"> Increased visitor numbers considered against relevant financial data Media sentiment
<p>A vibrant and growing hospitality, culture, events and nightlife industry</p>	<ul style="list-style-type: none"> Growth in the number and diversity of licensed venues, businesses, and cultural events Levels of night-time employment Investment and occupancy rates in town centres
<p>Environments that feel safer and more inclusive for Londoners and visitors – with specific focus on the safety of women, girls, children and people who may need additional support.</p>	<ul style="list-style-type: none"> Fewer complaints and incidents of public nuisance, crime and disorder Improved actual or perceived safety, inclusion and accessibility
<p>For this be a measure complaint data on noise and ASB needs to be collected, currently it is not, or at least not consistently.</p>	
<p>Increased public confidence in the licensing system.</p>	<p>Public and business confidence</p>

Appendix 3: Criteria for Applications of Strategic Importance

Covered in section 4 above