

Licensed to plan: How planning can support licensing to protect the night-time economy

A House of Lords Select Committee has recommended giving planning inspectors powers to determine licensing appeals so better co-ordinated decisions can be made about the night-time economy. Leenamari Aantaa-Coller of Shakespeare Martineau outlines the report's key recommendations



[A report published today](#) (PDF) by the House of Lords Select Committee on the Licensing Act 2003 has urged local authorities across the UK to start making changes that will help to reduce the number of Licensing Appeals and support the night-time economy. Eleven years after the Licensing Act 2003 was fully implemented, it is in urgent need of review, having undergone a series of piecemeal changes over the years.

Setting out to undertake this, the committee's report is also responding to growing concern about disputes arising in urban areas due to excessive noise or other disturbances caused by licensed premises.

The increase has become more evident since the growth of residential development in city centres to address housing shortages and avoid urban sprawl.

The report recommends moving to a more synchronised system whereby planning and licensing constraints are considered at the same time. It also recommends that planning inspectors start to perform a more front-line role by deciding appeals.

"An inspector would be perfectly capable of looking at licensing as well as they look at conservation, highways or environmental issues"

As stated in the report "An inspector would be perfectly capable of looking at licensing as well as they look at conservation, highways or environmental issues. They are used to looking at different things, gathering together the information and making a decision. There is no reason why an inspector could not do the same with licensing". It goes on to assert that with some training, inspectors would be better equipped to handle such matters than district judges and magistrates.

To address the rising number of licensing appeals and the costly delays they can cause, the report concludes that appeals from licensing authorities should no longer go to the Magistrates' Court. Instead, they should follow the same course as appeals from planning committees, which are ultimately presided over by the Planning Inspectorate and have an option of written representations.

Encouraging local authorities to start adopting a more holistic approach immediately will be music to the ears of most licensing and planning authorities, some of which have been struggling to ease tensions and balance the interests of environmentalists, residents, businesses and others. By driving through changes quickly, it is hoped that the number of appeals landing their way to court can be reduced, minimising the use of court time and preventing forced business closures.

Legal powers

Of course, any attempt to integrate licensing and planning committees will require primary legislation, as will changes to the appeal system itself. However, the report makes it clear that this is no reason to wait. It states that "coordination between licensing and planning systems can and should begin immediately in all local authorities".

"It would be entirely feasible to incorporate a Statement of Licensing Policy in the form of a separate element of a local plan"

Specifically, section 8(2) guidance can be amended to clarify that a licensing committee should consider whether an earlier planning decision applies and follow its lead where appropriate and vice-versa. Offering practical advice, the report also suggests that "it would be entirely feasible to incorporate a Statement of Licensing Policy in the form of a separate element of a local plan, focusing specifically upon licensing of premises as a land use". With specific reference to London, the recently-appointed Night Czar and other champions of the night-time economy are highlighted in the report, which acknowledges the important role they play in helping to alleviate any tensions that might exist between licensees, local authorities and local residents. Similar roles could obviously work elsewhere.

In summary, the committee's findings are sending a positive signal to the UK's planning profession. They explain how planning committees have the wherewithal to assume an all-encompassing role in local authority decision-making and should apply this in a way that will benefit everyone living and working in our cities and urban spaces.

Leenamari Aantaa-Coller is a legal director and planning law specialist at [Shakespeare Martineau](#). Leenamari provided evidence to the Select Committee, extracts of which are included in the published report.



THE BUSINESS MONTHLY FOR PLANNING PROFESSIONALS

04/04/2017

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Words: Leenamari Aantaa-Collier



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Download the full report of the Select Committee: [The Licensing Act 2003: post-legislative scrutiny \(PDF\)](#)

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