

Submission from Mr Tim Lord on behalf of the Westminster Amenity Societies Forum (WASF) on the Licensing Act 2003 (Applications of Potential Strategic Importance to Greater London etc and Consequential Amendment) Regulations 2026 (SI 2026/1078)

I write on behalf of the Westminster Amenity Societies Forum (WASF), which brings together the amenity societies and residents' associations of the City of Westminster. Our members represent residents in Soho, Covent Garden, Fitzrovia, Mayfair, Marylebone and the other neighbourhoods that host much of London's night-time economy. Many of them take part in licensing hearings regularly.

I apologise for the short notice; the instrument was laid only on 13 October. We would be grateful if the Committee would consider drawing it to the special attention of the House on four grounds:

it is politically important and gives rise to issues of public policy likely to be of interest to the House;

- it may imperfectly achieve its policy objectives, and departs from assurances given to the House;
- the explanatory material is inadequate;
- consultation was inadequate.

1. The instrument does not match the assurances given to the House

The instrument defines which licensing applications the Mayor of London may "call in" and decide himself under the new sections 25B–25C and 41ZA–41ZB of the Licensing Act 2003.

When the House considered these provisions, the Minister, Baroness Taylor of Stevenage, said the call-in power was "intended to be used only in specific circumstances, as a measure of last resort" (HL Deb, 9 February 2026). In the Commons, the Minister, Miatta Fahnbulleh MP, said the Mayor could "call things in, in particular instances" and that "whatever is done ... must be done with the support of the local community" (HC Deb, 24 November 2025). In a letter to London MPs on 21 April 2026 she promised "objective, consistent criteria" reflecting "the character of local areas". She also assured them that where boroughs have designated cumulative impact zones "this will remain the case".

Regulation 3 goes much further. An application is of potential strategic importance if any of the following applies:

- the premises are in fee band D or E (a rateable value over £87,000), whatever their size, hours or activity;
- the premises are in band B or C and propose any licensable activity after 11pm, which includes late-night refreshment;

- the premises are in band B or C and propose live music.

On the Home Office's licensing statistics, around 7,700 London premises are in bands D and E. Nearly 28,000 more are in bands B and C. Together that brings around 90% of London's licensed premises within reach of the call-in. Westminster is the most affected borough, with around 2,000 premises licences in bands D and E alone, around half its total. In Soho, our member the Soho Society matched its list of licensed premises against the Valuation Office Agency's 2026 rating list. About two-thirds are in band D or E on rateable value alone. We cannot reconcile this with "specific circumstances" or "a measure of last resort".

The scope will also grow over time:

- The fee bands were set in 2005 and have never been indexed, so each business rates revaluation moves more premises above £87,000. Among the Soho premises matched, the number in bands D and E rose from 217 to 259 between the 2023 and 2026 rating lists.
- Rateable value reflects rental levels, not strategic significance. In central London a small bar can easily exceed the threshold.
- There is no exclusion or presumption for cumulative impact zones, despite the Minister's assurance. Westminster's West End cumulative impact zone rests on a statutory, evidence-based assessment. Its 2026 re-issue found that the two West End zones account for 61% of the borough's crime between midnight and 6am.

Westminster City Council and residents' groups proposed narrower, objective tests, such as a capacity threshold, the top 1% of premises by rateable value, or an exclusion for cumulative impact zones. None was adopted, and the Explanatory Memorandum does not explain why.

2. The Explanatory Memorandum is inadequate

- It gives no rationale for any of the thresholds in regulation 3 (paragraph 6.5).
- It states that volumes in scope are "expected to be low". In the same paragraph it admits the department was "unable to carry out more detailed modelling on the total number of applications that would be in scope" (paragraph 9.1).
- Its only figure is about 92 refused new applications a year across London. That figure leaves out three things:
 - grants subject to modified conditions, which are equally open to call-in under section 25B(1) and are the usual outcome of contested applications in cumulative impact areas;
 - variation applications;
 - the incentive for applicants to seek later hours once a second determination is available.

- No impact assessment was prepared, and the only impacts considered are on business.
- It does not mention residents, residential amenity, sleep or Article 8.
- It states that the purpose is "to support the growth of the night-time economy" (paragraph 4.1). Growth is not one of the four statutory licensing objectives.

We respectfully suggest the Committee may wish to ask the department for an estimate of the number of premises and annual applications within scope, by borough, and how that estimate supports the description given to the House.

3. Consultation was inadequate

The Explanatory Memorandum states that "MHCLG did not conduct a formal public consultation" (paragraph 7.1). Engagement was limited to London licensing authorities, the GLA and the Home Office. Residents and amenity societies were not consulted, although they are the groups most affected by late-night licensing. The Minister had told the Commons that the Government was "committed to working with Members from across the House ... to ensure that we get this right". The definition of "strategic" was the central question left to secondary legislation, and it has been settled without public consultation.

4. Effect on decision-making

The instrument also completes a shift in how decisions are made, from public hearings to private, paper-based determination:

- Contested licensing applications are currently decided by elected councillors at public hearings. Residents, the police and environmental health give evidence there and can be questioned.
- Under the regulations, the GLA becomes a party to those hearings (regulation 8).
- If the council refuses an application, or grants it with conditions, its decision is suspended. The Mayor may then direct a different outcome within 20 working days (regulations 9 and 10).
- There is no hearing at that stage and no right for residents to make representations. MHCLG confirmed in writing in March 2026 that "there is currently no requirement ... for the Mayor to consult local residents before giving a direction".
- The power operates in one direction only. The Mayor may grant what the council refused, or relax its conditions, but may not impose stricter ones (section 25C(2) and (8)).

These are significant changes to how residents' interests in their homes and their sleep are weighed, and their practical reach depends entirely on the definition in this instrument.

Our members are not opposed to a thriving night-time economy; Westminster's neighbourhoods are places to go out as well as places to live. Our concern is that

the instrument goes well beyond what the House was told, without the evidence or consultation needed to justify it. We would be glad to provide the underlying data, the Hansard and correspondence references, or any further detail. We are content for this letter to be published.

Yours sincerely,

Tim Lord

On behalf of the Westminster Amenity Societies Forum (WASF)

17 October 2026

Response from the Ministry of Housing, Communities and Local Government

1. The difference between the scope of the call in provisions as envisaged during the passage of the English Devolution and Community Empowerment Act 2026 ("specific circumstances" and "a measure of last resort") and the much wider scope as implemented through this SI and the concern that the instrument "goes well beyond what the House was told, without the evidence or consultation needed to justify it"

The Regulations establish the criteria used to identify applications that are of potential strategic importance to Greater London. However, meeting those criteria does not automatically result in mayoral intervention. The Mayor's call-in power remains discretionary and London licensing authorities will continue to receive applications, consider representations, conduct hearings and make the initial determination in the first instance. The number of premises capable of meeting the criteria should therefore be distinguished from the number of applications that the Mayor may call in.

The Regulations do not alter the licensing objectives established by the Licensing Act 2003, which continue to apply to all licensing decisions. The Mayor must have regard to the importance of promoting those objectives when exercising the call-in power, and any decision taken by the Mayor remains subject to the existing rights of appeal, with responsibility for defending any called-in decision resting with the Mayor.

Existing cumulative impact assessments and cumulative impact zones remain in force and are unaffected by the Regulations. In preparing the London Strategic Licensing Policy, the Mayor must have regard to the primary importance of promoting the licensing objectives and to requirements imposed on licensing authorities when carrying out their licensing functions, which include requirements relating to any existing cumulative impact assessments made by licensing authorities.

The Government sought to develop criteria that are objective, transparent and capable of operating consistently across London. The final criteria achieve this - for example, by using the existing licensing fee band framework, providing a familiar and administratively workable basis for identifying applications of potential strategic importance.

2. Why were proposals by Westminster City Council and residents' groups for narrower parameters not adopted?

The Government considered a range of views during development of the Regulations regarding how applications of potential strategic importance should be identified.

The Government concluded that the final criteria provide an objective and transparent framework capable of operating consistently across London, while ensuring that the Mayor can give directions on applications of potential strategic importance for Greater London.

3. A contradiction between two statements in the EM that (i) volumes in scope are "expected to be low" and (ii) that the department was "unable to carry out more detailed modelling on the total number of applications that would be in scope"

The Government does not consider these statements to be inconsistent.

As set out in paragraph 9.1 of the Explanatory Memorandum, the expectation that call-in volumes will be low relates specifically to new, rejected premises licence applications. That assessment was based on available evidence showing that premises licence refusals are relatively uncommon and that the number of new licence applications each year is small relative to the overall stock of licensed premises in London.

The Mayor's call-in power is not, however, limited to new premises licence applications. It also applies to applications to vary existing premises licences and to applications granted subject to conditions, where the application meets the criteria for applications of potential strategic importance. As set out in the Explanatory Memorandum, less comprehensive data is available in relation to these categories of application, and the Department was therefore unable to undertake more detailed modelling of the total number of applications that could potentially fall within the scope of the call-in power. The Government therefore considers that the two statements address different issues. The first relates to the expected volume of new, rejected licence applications, for which relevant data was available. The second reflects limitations in the available data on the wider range of applications that may fall within scope of the call-in power, including variation applications and applications granted subject to conditions. Caution should therefore be exercised in drawing conclusions about likely overall call-in volumes solely from the number of premises capable of meeting the criteria.

4. The lack of any assessment of impact on residents, residential amenity, sleep or Article 8

The Government recognises the importance of ensuring that the interests of residents and local communities continue to be considered within the licensing system.

As stated above, the Regulations do not alter the licensing objectives set out in the Licensing Act 2003 or the requirement for licensing authorities and the Mayor to have regard to those objectives when exercising their functions. Existing protections within the licensing regime therefore continue to apply.

The Regulations do not create new licensing objectives or modify the statutory framework governing licensing decisions. Decisions on individual licence applications must continue to be taken in accordance with the licensing objectives established by Parliament.

5. Could you provide an estimate of the number of premises and annual applications within scope, by borough, and how that estimate supports the description given to Parliament

The Department does not hold sufficiently comprehensive data to produce a robust estimate of all applications that may fall within scope by borough.

As set out in the Explanatory Memorandum, more comprehensive data is available in relation to licence refusals than applications granted subject to conditions. The Government therefore did not consider it possible to produce a reliable estimate of all applications that could potentially fall within scope.

In any event, the Government considers that the number of premises capable of meeting the criteria should be distinguished from the number of applications that the Mayor may call in, given that the exercise of the call-in power remains discretionary.

6. The statement that the aim of the policy is "to support the growth of the night-time economy" when growth is not one of the four statutory licensing objectives

The reference in the Explanatory Memorandum to supporting the growth of the night-time economy describes the broader policy objective underpinning the reforms.

It does not create a new licensing objective nor alter the statutory licensing objectives set out in the Licensing Act 2003. Those objectives continue to apply to all licensing decisions taken by licensing authorities and by the Mayor where an application is called in.

7. The lack of formal public consultation, limiting engagement to London licensing authorities, the GLA and the Home Office

The Government did not undertake a separate public consultation on these Regulations because they implement powers established through primary legislation rather than creating new powers or a new policy framework.

The underlying policy, including the Mayor's call-in power, was scrutinised by Parliament during the passage of the English Devolution and Community Empowerment Act 2026. These Regulations provide the framework necessary to implement those powers.

In developing the Regulations, the Government engaged with relevant stakeholders, including London licensing authorities, the Greater London Authority and the Home Office. The Government was also aware of issues raised through the Greater London Authority's public consultation on the Strategic Licensing Project and draft London Strategic Licensing Policy.

8. Why were residents and amenity societies not consulted when they represent the groups most affected by late-night licensing?

The Government considered that a separate public consultation on the Regulations was not necessary because the policy decision to establish the Mayor's call-in power had already been taken by Parliament through primary legislation.

Residents and amenity groups continue to have opportunities to participate in licensing decisions through the existing statutory licensing process.

9. Is it appropriate to define the meaning of "strategic", the key aspect of the call-in power, in secondary legislation without public consultation, in particular given the significant impact on residents?

Parliament determined that applications of potential strategic importance to Greater London would be specified through secondary legislation.

The Regulations provide the implementation framework for that power, including the criteria used to identify applications that may be of potential strategic importance. In doing so, they provide a mechanism for applications that engage wider strategic issues affecting Greater London to be identified, so that city-wide strategic objectives can be taken into account within the licensing system.

10. A shift in how decisions are made, from public hearings, where residents, the police and others can give evidence, to private, paper-based determination and a one-way power of the Mayor to grant what the council refused, or relax its conditions, but not to impose stricter conditions

The Regulations do not remove the role of local licensing authorities, which remain responsible for receiving applications, considering representations, conducting hearings and making the initial determination. Residents, responsible authorities and other interested parties will continue to be able to make representations to licensing authorities and participate in local licensing hearings before a decision is reached. The Greater London Authority also becomes a party to hearings relating to applications of potential strategic importance.

The Mayor's call-in power applies only after a licensing authority has reached a decision and only in relation to a defined category of applications that are of potential strategic importance to Greater London. The Regulations also require key stages of the process, including the identification of an application as being of potential strategic importance and any subsequent mayoral decision, to be notified to interested parties and publicly advertised. As above, the licensing objectives continue to apply to all decisions taken under the licensing regime, including any decision made by the Mayor following a call-in. Any such decision remains subject to the existing rights of appeal, with responsibility for defending any called-in decision resting with the Mayor.

21 October 2026