



## Consultation Response

### Licensing Reform

#### Background

The Institute of Acoustics (IOA) is the UK's professional organisation for those working in the fields of sound, noise and vibration. Members of the Institute carry out research into the effects of noise on human health and wellbeing. Members also implement the national policies, legislation and guidance that deal with the management of noise. This is in the capacity of both assisting developers and businesses to meet their policy and legislative obligations and as regulators evaluating the merits of proposals or applying the relevant legislation. We also work with businesses and residents.

The Institute's response relates to the sound impact element of the consultation in terms of sound, noise and health implications and the proposed reform of licensing regulation in England and Wales. The priority recommendations include how to address Agent of Change in Licensing to achieve the balance required, and dealing with the Health and Wellbeing of communities, with the need to research community perceptual response being a continued areas where funding is needed to support this refocusing of policy outcomes.

This response has been prepared by experienced members of the Institute of Acoustics in matters of Licensing and noise management in relation to public safety and community health and wellbeing. This response has been approved by the IOA's Executive Committee on behalf of the IOA's Governing Council.

#### Responses to Questions

##### National Licensing Policy Framework

7. Do you agree or disagree with the overarching objective of a consistent, transparent licensing system which empowers local authorities while promoting economic growth, cultural development, public safety and community wellbeing?

- Agree (Y)
- Disagree
- Don't know
- Prefer not to say



Please explain your answer:

Proposed response text :

**Q7. Response: Agree**

The IOA supports the objective of a consistent, transparent licensing system that balances economic growth (employment), cultural development, public safety and community health and wellbeing. The objectives currently avoid unwanted outcomes and yet this proposal suggests introducing something that is wanted or desired as an outcome. It is also noted that Public Nuisance (PN) has been omitted from the list in the question, which is an unfortunate oversight or misguided intention. S182 guidance para 14.18 encourages SLPs to address what balance is to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. As defined by case law and tested in the licensing context e.g. *Hope and Glory V Westminster*, provides a suitable threshold that is now well tested. The tests for PN are objective, albeit qualitatively defined, and have been established over decades and tested hundreds of times by the courts. However, we note that the current tension between the political desire to promote businesses whilst still protecting residential amenity. This is not adequately resolved in existing S182 guidance or by Public Nuisance. See response to Q58 for another possible way forward with PN and detailed suggestions for how The Agent of Change principle could work in licensing. Agent of Change is not new as a concept in planning policy but it lacks enforcement mechanisms in licensing decisions (or “teeth”), and Public Nuisance (PN) has now evolved beyond its statutory definition (now withdrawn from statute) to function more like a threshold test only in licensing intended to prevent nuisance. The framework has the opportunity to clarify how these tensions will be addressed, particularly through improvements to Health and Wellbeing guidance in S182, rather than introducing a new objective. Health and Wellbeing is considered an important outcome where the protection of sleep, amenity and reasonable use of property by residents is concerned. The overarching objective recognises the importance of striking the balance between businesses being able to operate effectively and those who might be adversely affected by the business activities. It reflects the similar balance found embedded in the Government’s overarching noise policy found in the Noise Policy Statement for England.



**8.** Do you agree or disagree that promoting economic growth should be a statutory licensing objective alongside the existing public safety objectives?

Please explain your answer:

**Q8. Response: Agree, with caveats**

Economic growth (meaning employment) should be included as a statutory objective alongside cultural vibrancy and prosperity (in its broadest meaning of Environmental, Social and Economic) where it does not already exist as a material consideration. However, we believe that it is already a consideration and four objectives is enough and this additional pressure must not come at the expense of public health and community wellbeing, or environmental considerations, consistent with delivery sustainable development principles. The objective should also encompass not-for-profit venues and community activities. A specific concern is duplication of regulation under planning and licensing regimes, where different noise limits or management plans are imposed by each system, leading to over-regulation that undermines policies promoting cultural activity and economic growth (particularly employment). We suggest clear guidance in the S182 to chart good practice way forward and would be pleased to assist in the technical aspects regarding acoustics.

**9.** Do you think that the licensing regime should treat on-trade and off-trade premises differently in any respects in order to allow the differing challenges and opportunities they pose to be addressed?

Please explain your answer:

**Q9. Response: Unanimously agreed as Yes**

The licensing regime should treat on-trade and off-trade premises differently. They present entirely different risk profiles and noise climates. Off-trade premises typically generate issues related to people movement, transportation, and plant noise, whereas on-trade premises present different challenges. The differing nature of these operations requires distinct regulatory approaches.

**10.** What priority themes should be included in a National Licensing Policy Framework?



- Public safety and Crime Prevention
- Economic Growth and Reducing Business Burdens
- Culture & Community Cohesion
- Community Health and Wellbeing
- Supporting Growth, Highstreets and Night-Time Economies
- Others

Proposed response text:

### **Q10. Response: Community Health and Wellbeing requires clarification**

While we do not object to the exclusion of "prevention of public nuisance" as a standalone theme, protection of noise-sensitive receptors must be explicitly included.

"Community Health and Wellbeing" is currently too vague a theme and open to interpretation. We recommend maintaining the "prevention of public nuisance" or the alternative suggested in Q59 response, whilst adopting planning phraseology to address protecting health and wellbeing that is consistent with planning and noise policy, such as - minimising Observed Adverse Effects (OAEs) and avoiding Significant Observed Adverse Effects (SOAEL's) - with context-specific application (e.g., rural pub versus busy city centre venue).

**An alternative approach** : Public Nuisance (PN) as defined by 22 years of case law provides an objective, well-tested threshold established over decades now in licensing , but its application in licensing is problematic because the common law understanding is seriously affecting a large number of a community, and not a few people as has been adopted as its meaning. Its removal risks subjective and inconsistent interpretation of novel alternatives. A suggestion is made in Q59 response for consideration.

The loss of "Prevention of Public Nuisance" as an objective would be controversial, as it represents a less onerous test than promoting wellbeing such as avoiding a SOAEL, which is aligned with National Noise Policy Statement (2010). This may provide a helpful way forward to clear up the ambiguity surrounding exactly what is meant by proactively preventing Public Nuisance.

11. How could the government assess whether national guidance is working effectively?



Please suggest ways we could measure if national guidance is making a positive difference.

- Growth in the size of the sector and number of businesses
- Lower rates of crime and ASB
- Lower rates of alcohol-related harm
- Fewer people appeal decisions
- Other (please tell us below)

### **Q11. Response: Multiple objective metrics recommended**

Effectiveness should be measured through:

- Growth in size of Sector,
- Reduction in noise complaints and licensing reviews related to licensed premises (if captured in CIEH and potentially Institute of Licensing survey categories)
- Trade surveys focusing on independent and smaller premises (not just sector size/business numbers, as larger establishments are more resilient)
- **Important caveat:** Complaints are subjective and unreliable indicators of actual impacts. The CIEH statistics study shows year-to-year inconsistency and varying definitions of "complaint" across local authorities.

### **Licensing Condition Amnesty**

12. Do you agree or disagree that there should be an amnesty for licensing conditions as described above?

### **Q12. Response: Qualified support**

There is concern about obliging local authorities to approve changes within 15 days unless demonstrating detriment, particularly for poorly resourced authorities. This timeframe is insufficient for proper consultation and consideration.

**An alternative approach:** Consider suspension of conditions rather than amnesty (similar to Live Music/Deregulation Acts) with rapid reinstatement if problems arise. An amnesty could be beneficial for removing outdated grandfather rights relevant to noise, such as



"inaudibility" criteria - a relic of outdated guidance that case law has found vague, imprecise, and unnecessarily stringent.

13. What would you see as the main benefits of an amnesty? [Tick all that apply]

- Removing minor conditions dating prior to 2005
- Removing minor conditions since 2005
- Removing non-minor conditions
- Reducing costs to businesses
- Reducing costs to consumers
- Reducing non-compliance with conditions
- Encouraging better relationships between premises and authorities **TA**
- Other
- None

If you answered 'Other' please specify:

**Q13. Primary benefit:** Encouraging better relationships between premises, authorities, and residents.

**Additional benefits** (if implemented appropriately with sufficient time for consultation):

- Removing outdated conditions
- Reducing costs
- Reducing non-compliance

14. What challenges do you associate with an amnesty? [Tick all that apply]

- Costs to businesses in making applications
- Costs to local government and policing in reviewing and advising on applications
- Increased risks to public safety
- Increased risk of noise or public nuisance
- Increased risk of crime and disorder
- Challenges to protect children from harm
- Other
- None



If you answered 'Other' please specify:

**Q14. Response:** All listed challenges apply if the scheme is inappropriately designed - the devil is in the detail. Additional concerns include fear of risks to businesses and lack of trust in the process.

15. It will be important to understand what counts as a minor variation when deciding what types of licence condition changes an amnesty could address. Can you provide your views? What do you think would be characteristic of a minor variation? You may give examples.

**Q15. Response:** A minor variation should not change whether the use is being "conveniently done" (Fearne v Tate test) - it should not extend the use beyond what was intended without addressing additional impacts (e.g., transforming a live music pub into a nightclub).

**Note:** The "conveniently done" concept originates from Bamford v Turnley (1866), ratified in Cambridge Water Co v Eastern Counties Leather Plc (1994). However, the "common and ordinary"/"special and unusual" divide may tilt the balance too far against innovative uses of land such as music festivals, outdoor concerts, and pop-up venues.

### **Statutory Notice Requirements**

16. Do you foresee any risks or benefits from removing the requirement to advertise alcohol licence notices in print local newspapers?

**Q16. Suggested Response:** No significant concerns from a noise/acoustics perspective removing this requirement, provided alternative methods ensure adequate notification to potentially affected residents. The key principle is ensuring those in proximity to premises (consistent with our response on the proximity test) have reasonable opportunity to be aware of and respond to applications but where this represents an outdated process it should be scrapped and modernised. Single on-line portal in licensing Authorities may be a good way forward, which the IOA would encourage (similar to planning portals and ideally aligned using technology).

17. What evidence do you have on the costs to business of publishing alcohol licence notices in local printed newspapers in your local area?



Proposed response text:

**Q17. Suggested Response:** The IOA, as a professional body rather than a business operator, does not have direct evidence of these costs. However, we support reducing unnecessary administrative burdens on businesses provided this does not compromise the ability of potentially affected parties to make informed representations.

18. Do you consider the costs associated with publishing statutory notices in local media are sufficiently transparent?

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:

**Q18. Suggested Response:** Don't know - this is outside the IOA's area of expertise, though transparency in all aspects of the licensing process would be consistent with the stated objectives of the reform and unnecessary cost is considered by applicants as a burden on business.

19. In place of publication in print local newspapers, what alternative methods of publicising this information do you consider would be most effective in ensuring effective scrutiny, transparency and public awareness of licencing activities?

- Notices displayed in the vicinity of the licensed venue
- Online local news websites and/or the online Public Notice Portal
- Council websites, newsletters or social media channels
- Other

If you answered 'Other' please specify:

**Q19. Suggested Response:** this is outside the IOA's area of expertise but multiple approaches seem sensible. The key principle is ensuring those most likely to be affected (i.e., in reasonable proximity) have adequate opportunity to become aware of applications. A multi-channel approach is preferable to reliance on a single method.



## Outdoor Trading and Pavement Licences

20. Are you answering on behalf of a business who has or has had a pavement licence or traded outdoors?

- Yes
- No
- Don't know
- Prefer not to say

If you answered 'Other' please specify:

**Q20. Response:** No - answering as a professional body

21. How often does your organisation apply for an outdoor trading or pavement licence (on average)?

- Multiple times a year
- Once a year
- Every few years
- Rarely
- Never

**Q21 Proposed Response :** Never (professional body - charity)

22. What is the primary purpose of your outdoor trading?

- Live music
- Sporting events
- Merchandise sales
- Food and/or beverage sales
- Other

**Q22. Response:** Other - professional body/charity

23. What barriers currently prevent you making most effective use of outdoor spaces, and do you have any recommendations to address these?



**Q23. Suggested Response (as professional body:** From a noise management perspective, barriers include:

- Lack of clarity on how noise from outdoor spaces should be assessed and managed
- Inconsistency between planning and licensing requirements for outdoor areas
- Uncertainty about application of Agent of Change principles to outdoor trading
- Need for clear guidance on noise management plans that incorporate best practicable means/ hoe the operation is being done “conveniently”.

24. How long do you think pavement licences should be valid for?

- 1 year
- 2-3 years
- 5 years
- Permanent (with occasional reviews)
- Other (please tell us below)

**Q24. Response: Permanent (with occasional reviews)**

Licences should be permanent, subject to evidence-based challenges through the review process.

25. How can pavement licensing better support seasonal flexibility and temporary permissions (e.g. for music or sporting events)?

Proposed response text:

**Q25. Suggested Response:** Pavement licensing should allow seasonal flexibility through:

- Clear provisions in noise management plans for different operating periods
- Recognition that seasonal variations may affect ambient noise climate and appropriate management measures
- Simplified variation procedures for temporary extensions during specific events (sporting, cultural)



- Consistency with TENs arrangements where appropriate for temporary intensification

26. Should alcohol in open containers (e.g. a drink poured in a glass) in pavement licence areas be treated as on-sales?

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:

**Q26. Suggested Response:** Don't know - this is primarily a regulatory classification question outside the IOA's noise/acoustics expertise. From a noise perspective, the management requirements would be similar regardless of classification.

27. Is guidance necessary to support best practice in outdoor trading?

- Yes
- No
- Don't know
- Prefer not to say

**Q27. Response: Yes**

Guidance is necessary. Noise management plans should always include best practicable means to ensure use is "conveniently done." S182 guidance should cover outdoor trading best practices.

**Temporary Event Notices (TENs)**

28. Do you support increasing the annual maximum number of TENs per licensed premises?

- Yes
- No



- Don't know
- Prefer not to say

Proposed response text:

**Q28. Response: Partial agreement that 15 (up to 21 days in total) TEN are enough and evidence is it is being abused by use as regular problem (eg. First Saturday of every month) placing administrative burden on Environmental Health to object and act retrospectively.**

If a problem this will fall to Environmental Health to investigate, as complaints trigger Statutory Nuisance investigation duties. However, this should **NOT** be dependent solely on absence of complaints - residents can and do complain when unjustified. Environmental Health Officers must investigate and present objective evidence to support any constraints on TEN's but there is not broadly agreed to be justification for an increase in number.

29. Do you agree or disagree with increasing the annual maximum number of TENs to 20 events over 26 days (the same limit that applied during Covid)?

- Agree
- Disagree
- Don't know
- Prefer not to say

Proposed response text:

**29. Response: Strong agreement of No (See also response to Q28).**

- **Against:** the current position is 15, with allowance for up to 21 days in total, which is sufficient; This already means events practically every weekend over summer with minimal oversight, easily leading to unacceptable noise impacts on quality of life even if the Statutory Nuisance or Public Nuisance threshold is not crossed.
- **For :** One member felt that a 25% increase might be a better balance to allow an upper maximum of 19, but suggested the answer to Q29 should be considered together and the proposal made clear not to suggest 20.



30. What benefits or risks, if any, do you foresee if the maximum number of TENs is increased?

(Please provide examples or evidence where possible.)

Proposed response text:

**Q30. Response:** If increases are allowed, which is not recommended (See response to Q29) there must be:

- Enhanced ability for Environmental Health Officers to object in advance with reasons/evidence
- Decision-making by licensing committee/panel on permitting
- Rapid suspension/revocation mechanisms if reliable evidence of nuisance is obtained

31. Do you agree or disagree with retaining the 24 hour gap between temporary events at licensed premises?

- Agree
- Disagree
- Don't know
- Prefer not to say

### **Q31 . Agreed**

32. What, if any, additional safeguards or changes would be needed if the TENs entitlement were increased?

**Q32. Suggested Response (building on Q28 response):** If TENs entitlement is increased, which is not recommended, additional safeguards should include:

- Automatic transfer of relevant noise management conditions from premises licences (an area of uncertainty to avoid unintended consequences of no application or intervention – technical requiring further thought)



- Enhanced ability for Environmental Health Officers to object with technical evidence
- Requirement for noise management plans where events exceed a certain frequency threshold (e.g., more than 10 per year)
- Cumulative impact assessment for high-frequency TENs
- Rapid review/suspension mechanisms based on objective evidence (not mere complaints)
- Retention of the 24-hour gap for late TENs
- Possible requirement for acoustic baseline measurements at sensitive receptors before approval of increased allowances

33. Do you agree or disagree that conditions placed on premises licences should automatically transfer to TENs granted to those premises?

- Agree
- Disagree
- Don't know
- Prefer not to say

#### **Q.33 Response: Yes, agree**

#### **Blanket Policies and Core Hours**

34. Do you agree or disagree that blanket policies should be subject to regular review or sunset clauses?

- Agree
- Disagree
- Don't know
- Prefer not to say

If there were regular reviews, what timeframe would be appropriate?

#### **Q34. Response: Agree**



**Appropriate timeframe:** 3-5 years, with preference for 5 years to allow sufficient time for evidence gathering on policy success.

35. Are there any existing data or evidence sources you would recommend authorities use to assess the impact of a blanket policy before it is extended or terminated?

Proposed response text:

**Q35. Response:** Yes - Authorities should utilise:

- Noise and Soundscape Action Plans (where they exist)
- Night-Time Economy/Cultural Vibrancy Zoning – “Entertainment Zones”
- Soundscape assessments that consider acoustic and non-acoustic perceptual responses as positive elements

Where existing residential is in a defined entertainment zone and premises wish to increase vibrancy to fulfil their full potential of their permitted use (as part of the Agent of Change) they should fund mitigation works through mechanisms equivalent to S106 or Community Infrastructure Levy (CIL). See response to Q59 for more in depth response.

36. Does the local authority area you operate in have any special licensing policies — for example, core hours, late-night levy schemes or other locally applied conditions?

- Yes
- No
- Don't know
- Prefer not to say

If you answered 'yes', how has it affected your business or community?

Proposed response text:

**Q36. Response:** N/A - answering as a professional body, not a local operator. However, IOA members work across various local authority areas and observe wide variation in approaches to core hours, cumulative impact zones, and locally applied conditions, which reinforces the need for a consistent national framework to work to deliver the objectives of the Act.



## Evidence and Data Protocol

37. The Proximity Test. Paragraph 8.13 of the section 182 guidance states that any individual or business entitled to make representations may do so "regardless of their geographic proximity to the premises". Should there be a requirement for individuals and businesses who make representations in favour or against a licence application to be in geographic proximity to the premises?

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:

### **Q37. Response: Yes, with flexibility**

Those making representations should demonstrate they are sufficiently close to be likely affected, rather than a fixed distance. Exemptions should exclude Public Nuisance claims from patrons beyond the immediate vicinity and with no evidential basis to do so - individuals are responsible for antisocial behaviour/nuisance away from licensed premises, not licensees

38. Objections. Paragraphs 9.4 to 9.10 of the s.182 guidance seek to prevent irrelevant, vexatious or frivolous representations. Does this mechanism successfully eliminate such representations?

- Yes
- No
- Don't know
- Prefer not to say

If you answered 'no' please comment on what more could be done to minimise such representations?

Proposed response text:

### **Q38. Response: No - Current mechanisms are insufficient**



It is difficult to implement existing guidance until a pattern of behaviour emerges from multiple irrelevant, vexatious, or frivolous representations. Enhanced guidance is needed.

**Recommendation:** Clarify how objections lacking material evidential weight will be addressed. Where expert topics like noise/acoustics are concerned, this may require expert evidence to be provided to the panel with justified opinions. The expanded suggestions are :

- Require representations to cite specific evidence, not just concerns
- For technical matters (noise, vibration), require either:
  - Expert evidence from appropriately qualified professionals (e.g., IOA members)
  - Technical assessment from Environmental Health with relevant expertise
  - Establish clear materiality thresholds - representations must demonstrate relevance to licensing objectives
  - Provide template guidance for what constitutes adequate evidence for noise-related representations
  - Training for licensing panels and other professionals' on evaluating technical evidence (e.g. Institute of Licensing National Training Events special sessions)
- Early filtering mechanism where licensing officers can request clarification/evidence before proceeding to full hearing

39. Improve Evidential Standards. Should there be a requirement that representations opposing a licence present the case and evidence for harms to one or more of the licensing objectives? In other words, only representations stating that there is an objection concerning the licensing objectives would count.

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:



**Q39. Response: Yes**

Representations should present the case and evidence for harms to one or more licensing objectives. Only representations stating objections concerning the licensing objectives should count.

40. Necessary and Proportionate Test. Should there be a test applied to examine whether licensing conditions are necessary and proportionate?

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:

**Q40. Response: Yes, absolutely (strong agreement)**

This aligns with planning principles and is essential for appropriate regulation.

41. Do you agree or disagree that the decisions of a licensing officer should carry greater weight with the licensing committee?

- Agree
- Disagree
- Don't know
- Prefer not to say

Proposed response text:

**Q41. Response: Disagree with qualification**

Where technical matters like noise are concerned, expert evidence should be given recognized weight - whether from Environmental Health (where expertise exists) or from members of professional bodies such as the IOA. The licensing officer's role differs from specialised technical assessment. Additionally, the officer has knowledge across the piece, and as a professional person in the same way as the planning officer they should be able to contribute.



42. How should informal mediation and resolution be encouraged at the start of the process of making representations?

Proposed response text:

**Q42. Response:** Mediation should be encouraged where officers' recommendations support it, having considered all representations.

### **Festivals and Events**

43. Do you support enabling longer-term or perpetual licences for recurring festivals and events?

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:

#### **Q43. Response: Yes**

The proposal to eliminate annual licensing requirements for recurring outdoor music festivals and concerts is welcomed. Recurring events typically utilize established and tested noise management methods adaptable to specified limits through event management/noise management plan variations or minor licence variations (e.g., introducing low frequency management where only A-weighted limits apply).

**Important caveat:** Moving to 10-year cycles risks overly precautionary approaches by regulators imposing more onerous noise limits. There should be a presumption that longer licences simply repeat previous successful annual licences, with changes limited to removal of superfluous, unnecessary, or disproportionate conditions unless the licensee specifically requests modifications.

44. Would evidence of a safe and successful event held in previous years be sufficient evidence in most cases for granting licence extensions for repeat events?



- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:

**Response: Yes, with provisos**

Evidence of safe and successful previous events should be sufficient, provided:

- Controls required/adopted at successful events are imposed on repeats
- The scale has not changed (if changed, additional controls should be reviewed)

It is unreasonable that many long-standing successful events must repeatedly "cut and paste" applications annually.

45. What else could be done to help promote long term investment in, and planning of, events?

Proposed response text:

**Q45. Response:** Define typical worst-case acoustic baselines that can be updated and used to refine noise management with longer-term investments and include concepts such as respite for communities.

**Agent of Change Principle**

46. Should the licensing regime give greater weight to the Agent of Change principle?

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:



**Q46. Response: Yes (unanimous agreement)**

The Agent of Change principle requires statutory teeth. It should demonstrate what constitutes using land "conveniently" and link to evidence of Best Practice and Best Practicable Means (BPM), offering a defence to Statutory Nuisance.

**Where developers are the Agent of Change:** This provides premises with resources for mitigation, robust baseline definition (collaboratively with developers), and agreement on balanced soundscape vibrancy. This could be funded through S106-equivalent or CIL mechanisms.

**Where premises are the Agent of Change:** Existing residents may benefit from mitigation addressing existing stock issues (natural ventilation, insulation improvements, potentially combined with grants).

**Challenge noted:** Implementing this is difficult where the licensing authority is also the local planning authority, potentially requiring admission of planning stage errors. However, historically permitted/established uses should receive presumption in favour of continuation.

47. Can you provide examples of where existing businesses have faced complaints or licensing restrictions due to new residential development nearby?

Proposed response text:

**Q47. Provided examples:**

1. **Starr Inn, Guildford:** Reached noise abatement hearing won by premises based on Coventry v Lawrence (noise easement). Very costly and unnecessary had correct approach been taken initially - underlines need for Agent of Change on statutory footing.
2. **Cumberland Arms, Ouseburn, Newcastle:** Two residential schemes approved with robust acoustic schemes and acoustic baseline carried out by premises at developer's cost, resulting in new sound system, improved noise management plan, and easements/covenants with new residents.
3. **Nightingale, Birmingham:** Full mitigation acoustic scheme with improved sound insulation, combination of S106, easements, planning conditions, and repeat surveys to preserve night-time soundscape vibrancy and cultural importance.
4. **Night and Day Cafe, Manchester:** After 4-year appeal journey following noise notice, ruling defined venue output and limiter use while effectively acknowledging



residential use limitations or accepting residual nuisance. This effectively was Agent of Change after the event, causing the resident a loss effectively reverting to the previous use (storage) when there had been no nuisance.

48. What practical steps or tools would help licensing authorities apply the Agent of Change principle effectively (e.g. guidance, training, data sharing)?

Proposed response text:

**Q48. Recommended steps:**

1. **Consultation requirement:** Licensing authorities must be fully consulted on new planning applications proximate to existing licensed premises, with obligation for formal response.
2. **Training:** Clear guidance in S182 on the process for both new licensed premises and existing premises changing operating conditions (becoming agents of change).
3. **Communication link:** Licensing could alert premises to incoming planning applications (currently requires premises vigilance).
4. **Baseline encouragement:** S182 guidance should encourage premises to:
  - a. Define typical acoustic baselines
  - b. Update baselines as operational offerings change
  - c. Provide baselines to prospective developers
  - d. Recoup costs through emergent agreements
5. **Statutory consultee status:** Consider statutory footing similar to Theatres Trust, potentially involving Music Venue Trust or IOA as consultees on noise issues.

**Licensing guidance should specify:** Where a licensing authority is petitioned to refuse or review a premises licence based on noise, and allegedly affected receptors are in premises created by change of use after the licence application/grant, the presumption should favour the licensee (grant as applied or no review), with exceptions where licensed premises impacts have intensified after the new receptor was established.

**Hospitality, Leisure & Cultural Zones**

49. Are there recognized examples of effective practice in the UK that could contribute to the development of policy and guidance for local authorities?



Proposed response text:

**Q49. Response:**

- Newcastle City Council and the Ouseburn
- Birmingham City Council and the Gay Quarter
- Manchester City Council's Northern Quarter (defined as "mixed use" but did not enjoy special protection/status, despite being where much 1990s pop music emerged)
- Westminster (Soho)

50. Should there be a requirement for local authorities to consult with local businesses, enforcement agencies and local residents on the creation of zones?

- Yes
- No
- Don't know
- Prefer not to say

Proposed response text:

**Response: Yes, absolutely**

Local authorities should consult with local businesses, enforcement agencies, and local residents on zone creation.

51. What existing or new licensing or planning mechanisms could be used by local authorities to develop and manage zones?

Proposed response text:

**51. Suggested Response:**

- **Planning mechanisms:**
  - Special Policy Areas or Cultural Zones in Local Plans
  - Soundscape mapping and noise zoning (using Noise Action Plans where they exist)
  - S106 agreements funding mitigation schemes within zones



- CIL-type levies to create funds for acoustic improvements to existing residential
- **Licensing mechanisms:**
  - Modified core hours reflecting zone character
  - Simplified/expedited licensing for premises within designated zones
  - Presumption in favour of licensable activities consistent with zone designation
  - Collective Agent of Change provisions where zone designation pre-dates residential development
  - Standard noise management plan frameworks appropriate to zone type
- **Cross-regime mechanisms:**
  - Joint planning/licensing policy documents for designated zones
  - Requirement for acoustic baseline establishment at zone designation
  - Mandatory consultation between planning and licensing on all applications within zones
  - Regular review of acoustic climate within zones to inform policy updates

52. What indicators might be appropriate for local authorities to assess the impact of zones?

**Q52. Suggested Response:**

- Reduction in noise complaints per licensed premises (normalised for number of venues)
- Reduction in licensing reviews related to noise
- Number of premises granted licenses vs those refused
- Economic indicators (business survival rates, employment, footfall)
- Acoustic monitoring data showing trends in ambient noise levels
- Resident satisfaction surveys (structured to capture both concerns and appreciation of cultural vibrancy)
- Number of enforcement actions required
- Planning applications for residential development (tracking whether Agent of Change provisions are being properly applied)



- Soundscape quality assessments combining acoustic (1/3 the response) and non-acoustic factors (2/3<sup>rd</sup> the response)
- Cultural vibrancy metrics (diversity of offerings, event frequency, audience numbers)

**Important caveat:** Multiple indicators should be used together, recognising that single metrics can be misleading (e.g., complaint numbers don't reliably indicate actual impact).

53. Are there documented cases where local authorities have effectively used planning or licensing mechanisms to influence the business mix within specific zones?

**Q53. Suggested Response:** No but the IOA members work across various zones but would recommend the government gather case studies through the consultation process.

Effective examples might include areas where:

- Licensing and planning policies are explicitly coordinated
- Agent of Change provisions have been successfully applied
- Acoustic baselines were established before zone intensification
- S106/CIL mechanisms have funded residential mitigation
- Clear delineation between residential-priority and cultural-priority areas

Members can provide input on technical aspects of successful schemes if the government wishes to conduct detailed case study analysis.

### **Impacts – crime, public health, local authorities, equality**

54. Which, if any, of the Licensing Taskforce recommendations do you expect to place the most significant burden on licensing authorities' capacity and ability to fulfil their usual function?

- National Licensing Policy Framework
- Licensing Condition Amnesty
- Remove Newspaper Advertising Requirement
- Outdoor Trading and Pavement Licences
- Increase TENs Entitlement
- Sunset Clause on Blanket Hours
- Arbitration, Evidence and Data Protocol



- Festivals and Events Licensing
- Agent of Change Principle
- None
- Don't know
- Prefer not to say

What measures would you suggest putting in place to mitigate any impact?

It would be helpful in balancing enhancement of social and cultural activity and using the licensing regime to promote economic growth, with the potential negative noise impacts if the government were to commission research to establish quantitative dose responses/thresholds for licensing associated noise and identifying the non-acoustic factors influencing response. Currently there are no robustly established dose responses, and this can lead to unduly onerous limits being applied and events unnecessarily constrained or the wrong limits being applied and public nuisance occurring.

Proposed response text:

**Q54. Mitigation recommendation:** Commission government research to establish quantitative dose responses/thresholds for licensing-associated noise and identify non-acoustic factors influencing response. Currently no robustly established dose responses exist, leading to either unduly onerous limits constraining events unnecessarily, or inappropriate limits resulting in public nuisance.

55. In your view what impact will the proposals for reform included in this Call for Evidence have on public safety or crime?

- Very positive
- Positive
- None
- Negative
- Very negative
- Don't know
- Prefer not to say

Proposed response text:



**Q55. Suggested Response:** None / Don't know

This is outside the IOA's area of expertise. Our focus is on noise, sound, and vibration impacts on health and wellbeing. Crime and public safety assessment would require input from police, security professionals, and public health experts in those specific domains.

56. Which, if any, of the reforms described in this Call for Evidence, in your view, pose public safety or crime concerns?

- National Licensing Policy Framework
- Licensing Condition Amnesty
- Remove Newspaper Advertising Requirement
- Outdoor Trading and Pavement Licences
- Increase TENs Entitlement
- Sunset Clause on Blanket Hours
- Arbitration, Evidence and Data Protocol
- Festivals and Events Licensing
- Agent of Change Principle
- None
- Don't know
- Prefer not to say

Why do you think this?

Proposed response text:

**Q56. Suggested Response:** None apart from possibly TEN (aligned with Institute of Licensing) - it is noted that Public Nuisance is absent from the list.

As above, this is outside the IOA's expertise. However, we note that any reforms affecting licensing conditions or TENs oversight should ensure adequate safeguards remain in place, and proper consultation with relevant authorities (police, fire, health and safety) is maintained.

57. In your view what impact will the proposals for reform included in this Call for Evidence have on public health?



- Very Positive
- Positive
- None
- Negative
- Very Negative
- Don't Know
- Prefer not to say

Proposed response text:

**Q57. Suggested Response:** Potentially positive, if properly implemented; potentially negative if poorly implemented

The reforms could positively impact public health by reducing regulatory duplication and inconsistency, promoting cultural and community activities with wellbeing benefits, strengthening Agent of Change to protect both existing communities and venues.

However, risks to public health could arise from insufficient noise management oversight, inadequate assessment of cumulative impacts, under-resourcing of local authorities to implement reforms properly, weakening of protections against noise impacts on health and sleep disturbance

Net effect depends critically on quality of implementation guidance, adequate local authority resources, robust evidence-based noise thresholds, effective Agent of Change provisions, proper application of necessary and proportionate tests.

58. Which, if any, of the reforms described in this Call for Evidence, in your view, pose public health concerns.

- National Licensing Policy Framework
- Licensing Condition Amnesty
- Remove Newspaper Advertising Requirement
- Outdoor Trading and Pavement Licenses
- Increase TENs Entitlement
- Sunset Clause on Blanket Hours
- Arbitration, Evidence and Data Protocol
- Festivals and Event Licensing



- Agent of Change Principle
- None
- Don't know
- Prefer not to say

Proposed response text:

**Q58. Concerns if poorly implemented:**

- Licensing Condition Amnesty
- Increase TENs Entitlement
- Agent of Change Principle

59. In reforming the licensing system to promote economic benefits, what measures can be taken to promote public health?

Proposed response text:

**Q59. Response:** The Institute of Acoustics would like to identify the tension between planning and licensing and see the NLPF articulate this and how the integrated approach proposed by us to Agent of Change (see note below) will assist to address this. We would also like to see clearer guidance on acceptability thresholds for music noise measured properly (not just A-weighted values), rather than relying on different authorities to prepare and defend their own guidance. Rather than fixed rigid tables, provide a pathway that, if followed, would yield reasonable outcomes.

**Note:** Numerous outdated practices in noise assessment (by practitioners and decision-makers) continue out of habit rather than good practice.

**Additional note on Public Nuisance:** There is also the opportunity to clear up the confusion around public nuisance, now removed from the statute book, which in its common law meaning applies to a population that includes a cross section of his majesty's subjects and not a few people. In the licensing regime this appears to have been intended to actually mean avoiding causing a nuisance to a member of the public, which could be a few or even one person. If this is correct, as it seems it must be, it would be better to therefore say that the objective could be amended to be prevention of statutory nuisance, which could include a private nuisance that could also be prejudicial to health



and wellbeing. This terminology updates the understanding of what is intended by the objectives. It may be possible to deal with this as part of the NLPF.

**Additional note on Agent of Change:** A logical way to harmonise the aims of licensing with that of planning and the statutory nuisance regime is not easy, but needed to avoid conflicts. A way to achieve this we consider as professionals dealing with all three regimes would be as follows:

1. Any licence granted should be subject to planning permission, so that the “ordinary use” of the land can be established based on proper planning scrutiny and application of policy. This sets a clear expectation for assessing nuisance according to case law (Fearn v Tate). Any variation to the licence which may change that ordinary use should again be subject to planning permission to dovetail to two and avoid back door routes to establishing uses where they are not intended.
2. As the time of the proposed development there is a level of activity and noise impact from the nearby commercial licensed premises. That activity must be assessed robustly for the full extent of their permissions, if not already doing so, which could be a matter for S182 guidance.
3. This freezes the “acoustic baseline” in time and allows design of the development to be completed against this and meet the NPPF requirements, whilst working with the vibrancy of the locality rather than against causing the natural reduction of noise in the streets as an unintended consequence.
4. The new residents are communicated the elements of the design that meet the policy and are part of the ordinary use of the land (ie. Whether windows can be open or closed with alternative ventilation at noisy times and balconies which may not be intended for amenity use at certain times but where alternative access is available to quieter outside locations).
5. In the event of a complaint the Local Authority a) checks the licensed premises is still operating in line with the acoustic baseline that was defined.

a) If no then it is for the premises to realign with it’s acoustic baseline or it becomes the Agent of Change in either a Review of the licence and further mitigation may be needed or possibly a statutory nuisance is then an option to take as regulatory



action to require such works or abate the nuisance where a significant or substantial material inference can be demonstrated in evidence.

b) If yes it is then a check that the resident is using the building as designed. If no the complaint is not justifiable. If yes and there is a problem there is a design issue and the developer / persons responsible should be pursued through planning non compliance and or statutory nuisance, with remedial actions attached to rectify the design performance.

This offers an integrated strategy to deliver Agent of Change in practice as a licensing, planning and with statutory nuisance as the safety net it is there for.

60. Does this call for evidence raise any equalities concerns such as disproportionate impacts on particular demographic groups?

- Yes
- No
- Don't Know
- Prefer not to say

Proposed response text:

**Q60. Response:** Potential concerns that should be assessed

From a noise impact perspective, equality considerations include age, disability, Socioeconomic factors, shift workers and protected characteristics and culturally important venues. Each is address in turn:

- **Age:** Older people and children may be more vulnerable to noise disturbance and sleep quality disruption, which is an aging well stated aim.
- **Disability:** People with certain disabilities (autism spectrum, sensory processing disorders, some mental health conditions) may be disproportionately affected by noise, and therefore inclusive design should take account of this as part of achieving the balance for all, not just the average person
- **Socioeconomic factors:** Those in lower-quality housing often end up located in noise polluted environment, with poor sound insulation, so in higher-density housing closer to licensed premises. This is a social equity issue and those with



lower social mobility may be disproportionately affected, with health and wellbeing implications (sometimes called “Noise Poverty”)

- **Shift workers:** Those working non-standard hours may be disproportionately affected by late-night licensing
- **Protected characteristics and cultural venues:** Conversely, some reforms may positively impact certain groups by protecting culturally significant venues (e.g., LGBTQ+ venues, venues significant to particular ethnic communities)

The government should conduct a full Equality Impact Assessment, including consultation with relevant groups, to ensure reforms do not disproportionately burden vulnerable populations while also recognising the needs of society and positive cultural and community cohesion benefits of a thriving night-time economy.

**Recommendation:** Any guidance should explicitly address how licensing authorities should consider potential disproportionate impacts on vulnerable groups when making decisions, while balancing this against the cultural and economic benefits of licensed premises.

## Conclusion

The IOA hope that the Government will find our comments of interest and helpful. The IOA extends the offer to meet with officials to assist understanding in the technical area of noise and nuisance, offering the benefit of acoustic professionals with extensive experience in the field.

The IOA supports licensing reform that balances economic growth and the protection of cultural vibrancy with protection of public health and community wellbeing. Key priorities include:

1. Strengthening the Agent of Change principle with statutory backing
2. Eliminating duplication between planning and licensing regimes and establishing a clear hierarchy of process to define the ordinary use and then regulate it through licensing without the need to rely on Statutory Nuisance.
3. Providing clear, evidence-based guidance on noise and vibration assessment for premises acoustic baselines in particular.
4. Ensuring adequate time and resources for proper consideration of variations and applications, with nearby licensed premises notified via licensing that a planning application which may affect them is underway – accelerating engagement between parties.
5. Supporting both commercial and community cultural activities
6. Commissioning research on dose-response relationships for licensing-associated noise, and the perceptual response and benefits of vibrancy.



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