

ENGLISH DEVOLUTION AND COMMUNITY EMPOWERMENT BILL

Lords Supplementary Memorandum (No.1) from the Ministry of Housing, Communities and Local Government to the Delegated Powers and Regulatory Reform Committee

A. INTRODUCTION

1. This memorandum has been prepared by the Ministry of Housing, Communities and Local Government to assist with scrutiny of the English Devolution and Community Empowerment Bill (“the Bill”).
2. This memorandum describes the delegated powers which would be amended or added to the Bill by an amendment tabled by the Government on 28th January 2026 during Committee Stage in the House of Lords. It explains in each case why the power has been taken and explains the nature of, and the reason for, the procedure selected.

B. SUMMARY OF THE BILL

3. The Delegated Powers and Regulatory Reform Committee is referred to the memorandum published on 27 November 2025¹ (“the DPM”) for a summary of the Bill and for abbreviations used in this document.
4. The Ministry would like to draw the Committee's attention to an error in paragraph 87 of the DPM. This relates to the power at clause 9 (Schedule 3) to issue guidance in relation to the terms of reports produced by remuneration panels in relation to commissioner allowances. The final sentence of the paragraph (“*The Government will consult with the sector on it* [i.e. the guidance]”) was included in error. The Ministry intends to informally engage with relevant stakeholders before the guidance is finalised, rather than conducting a formal consultation. The Ministry has also drawn the Committee's attention to this error in email correspondence.

¹ [DPM published on 27th November 2025](#) upon the Bill being brought from the House of Commons to the House of Lords.

C. DELEGATED POWERS

5. Relevant amendments are as follows:

a. Amendment to Schedule 24:

- i. Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise a decision of the Greater London Authority (“GLA”) that a relevant licence application is of potential strategic importance **(inserting new section 17A(5) into the Licensing Act 2003 (“LA 2003”))**
- ii. Power for the Secretary of State to make statutory provision as to the meaning of “application of potential strategic importance to Greater London” in relation to licensing applications **(inserting new section 17A(6) into the LA 2003)**
- iii. Power for the Secretary of State to specify information that must be provided by London licensing authorities to the GLA in relation to hearings of licence applications of potential strategic importance **(inserting new section 18(9B) into the LA 2003)**
- iv. Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise the decision of the Mayor of London to call in a licensing decision on an application of potential strategic importance **(inserting new section 25B(8) into the LA 2003)**
- v. Power for the Secretary of State to prescribe the period within which the Mayor of London must make a decision on a licensing application of potential strategic importance to Greater London **(inserting new section 25B(9) into the LA 2003)**
- vi. Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise a decision of the GLA that a relevant application to vary a licence is an

application to vary of potential strategic importance **(inserting new section 34A(5) into the LA 2003)**

- vii. Power for the Secretary of State to make statutory provision as to the meaning of “application to vary of potential strategic importance to Greater London” in relation to applications to vary a licence **(inserting new section 34A(6) into the LA 2003)**
- viii. Power for the Secretary of State to specify information that must be provided by London licensing authorities to the GLA in relation to hearings of applications to vary of potential strategic importance **(inserting new section 35(9) into the LA 2003)**
- ix. Power for the Secretary of State to modify provisions within the LA 2003 in relation to a decision of a London licensing authority on an application to vary of potential strategic importance where an intervening decision takes precedence **(inserting new section 41ZA(6) into the LA 2003)**
- x. Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise the decision of the Mayor of London to call in a licensing decision on an application to vary of potential strategic importance **(inserting new section 41ZA(10) into the LA 2003)**
- xi. Power for the Secretary of State to prescribe the period within which the Mayor of London must make a decision on an application to vary of potential strategic importance to Greater London **(inserting new section 41ZA(11) into the LA 2003)**
- xii. Power for the Secretary of State to prescribe the content of an application or notice under Part 3 of the LA 2003 and the period in which an application or notice is to be made or given **(amending section 54 of the LA 2003)**

D. ANALYSIS OF DELEGATED POWERS BY CLAUSE

Amendment to Schedule 24: Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise a decision of the GLA that a relevant licence application is of potential strategic importance (inserting new section 17A(5) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

6. New section 17A requires a London licensing authority (as defined in new section 4(5) of the LA 2003, inserted by amendment made at Commons Report Stage) to notify the GLA of any relevant licence application made to it, namely an application for a premises licence in Greater London which would authorise the premises to be used for one or more of the following activities—

- (a) the sale by retail of alcohol;
- (b) the provision of regulated entertainment;
- (c) the provision of late night refreshment.

7. Section 17A(3) requires the GLA to give notice to interested parties if the GLA considers that the relevant licence application is of potential strategic importance to Greater London. On receipt of a notice under subsection (3), section 17A(4) requires the London licensing authority to advertise the decision of the GLA. Section 17A(5) requires the Secretary of State by regulations to specify the form and manner in which an advertisement under subsection (4) must be made.

Justification for taking the power

8. It is necessary for the Secretary of State to be under a duty to specify the form and manner in which a notice is advertised to ensure a level of consistency in such advertisements. The appropriate approach to advertising a notice is liable to change over time, for example as a result of changes in technology, and it is therefore necessary for the Secretary of State to have a delegated power to specify requirements in secondary legislation.

Justification for the procedure

9. The power under new section 17A(5) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. However, given the likelihood that details regarding the appropriate form and manner in which a notice may be advertised will need to change over time, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to make statutory provision as to the meaning of “application of potential strategic importance to Greater London” in relation to licensing applications (inserting new section 17A(6) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

10. The new provisions which are being inserted into the LA 2003 in relation to London licensing include powers for the Mayor of London to call in certain decisions of a London licensing authority on applications of potential strategic importance to Greater London. New section 17A(6) provides that “application of potential strategic importance to Greater London” is to be interpreted in accordance with regulations made by the Secretary of State.

Justification for taking the power

11. It is necessary for the Secretary of State to make statutory provision as to the meaning of “application of potential strategic importance to Greater London” to create certainty for applicants, licensing authorities and other stakeholders. The threshold for what is of potential strategic importance is likely to change frequently over time as economic and social conditions change. It is therefore necessary for the Secretary of State to have a power to set out the definition in regulations.

Justification for the procedure

12. The power under new section 17A(6) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. However, given the likelihood that the threshold for what is of potential strategic importance will need to frequently change over time, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to specify information that must be provided by London licensing authorities to the GLA in relation to hearings of licence applications of potential strategic importance (inserting new section 18(9B) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

13. New section 18(9A), which is being inserted into the LA 2003, provides that, where a London licensing authority is to hold a hearing in relation to a new application of potential strategic importance to Greater London, the authority must give to the GLA specified information relating to the hearing within the

specified period. New section 18(9B) provides that “specified” in section 18(9A) means specified in regulations made by the Secretary of State.

Justification for taking the power

14. It is necessary for the Secretary of State to be able to specify the procedural detail as to what information must be supplied to the GLA by the London licensing authority, and the period within which it must do so, to ensure that there is a common approach across all relevant licensing applications. The necessary details are likely to change over time as this new procedure is developed, meaning it is appropriate for requirements to be set out in delegated legislation.

Justification for the procedure

15. The power under new section 18(9B) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. Given the procedural nature of the regulations which will be made in exercise of this power, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise the decision of the Mayor of London to call in a licensing decision on an application of potential strategic importance (inserting new section 25B(8) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

16. New section 25B(6) which is being inserted into the LA 2003 requires the Mayor of London to give notice of the Mayor’s decision whether or not to call in certain licensing decisions made by London licensing authorities on an application of

potential strategic importance to all interested parties (including the London licensing authority to which the application was made) and to anyone who made relevant representations in relation to the application.

17. New section 25B(7) requires the London licensing authority, on receipt of a notice under subsection (6), to advertise the decision of the Mayor as soon as reasonably practicable. New section 25B(8) requires the Secretary of State to specify the form and manner in which an advertisement under subsection (7) must be made.

Justification for taking the power

18. It is necessary for the Secretary of State to be under a duty to specify the form and manner in which a notice is advertised to ensure a level of consistency in such advertisements. The appropriate approach to advertising a notice is liable to change over time, for example as a result of changes in technology, and it is therefore necessary for the Secretary of State to have a delegated power to specify them in secondary legislation.

Justification for the procedure

19. The power under new section 25B(8) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. However, given the likelihood that details regarding the appropriate form and manner in which a notice may be advertised will need to change over time, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to prescribe the period within which the Mayor of London must make a decision on a licensing application of potential strategic importance to Greater London (inserting new section 25B(9) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

20. New section 25B of the LA 2003 provides that where, on an application for a premises licence which is of potential strategic importance to Greater London, a London licensing authority either rejects the application or grants it but subject to conditions in addition to those sought by the applicant, it must notify the Greater London Authority. In such a case, new section 25B(5) requires the Mayor of London to decide, by the end of the specified period, whether or not to give a direction to the London licensing authority on the application at issue. New section 25B(9) provides that “specified” in section 25B(5) means specified in regulations made by the Secretary of State.

Justification for taking the power

21. The Secretary of State requires a power to prescribe the period within which the Mayor of London must take the decision under section 25B(5) to ensure that such decisions are taken timeously, thereby avoiding uncertainty for applicants for licences, licensing authorities and other stakeholders.

Justification for the procedure

22. The power under new section 25B(9) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. Given the procedural nature of the regulations which will be made in exercise of this power, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise a decision of the GLA that a relevant application to vary a licence is an application to vary of potential strategic importance (inserting new section 34A(5) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

23. New section 34A(3) which is being inserted into the LA 2003 requires the GLA to give notice if the Authority considers that the relevant application to vary a licence is an application to vary of potential strategic importance to Greater London. This notice must be given to each interested party (including the London licensing authority to which the application was made).

24. New section 34A(4) requires the London licensing authority, on receipt of a notice under subsection (3), to advertise the decision of the GLA as soon as reasonably practicable. New section 34A(5) requires the Secretary of State by regulations to specify the form and manner in which an advertisement under subsection (4) must be made.

Justification for taking the power

25. It is necessary for the Secretary of State to be under a duty to specify the form and manner in which a notice is advertised to ensure a level of consistency in such advertisements. The appropriate approach to advertising a notice is liable to change over time, for example as a result of changes in technology, and it is therefore necessary for the Secretary of State to have a delegated power to specify them in secondary legislation.

Justification for the procedure

26. The power under new section 34A(5) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. However, given the likelihood that details regarding the appropriate form and manner in which a notice may be advertised will need to change over time, it is considered that the negative procedure would be the

most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to make statutory provision as to the meaning of “application to vary of potential strategic importance to Greater London” in relation to applications to vary a licence (inserting new section 34A(6) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

27. The new provisions which are being inserted into the LA 2003 in relation to London licensing include powers for the Mayor of London to call in certain decisions of a London licensing authority on applications to vary a licence where the application is of potential strategic importance to Greater London. New section 34A(6) provides that “application to vary of potential strategic importance to Greater London” is to be interpreted in accordance with regulations made by the Secretary of State.

Justification for taking the power

28. It is necessary for the Secretary of State to make statutory provision as to the meaning of “application to vary of potential strategic importance to Greater London” to create certainty for applicants, licensing authorities and other stakeholders. The threshold for what is of potential strategic importance is likely to change frequently over time as economic and social conditions change. It is therefore necessary for the Secretary of State to have a power to set out the definition in regulations.

Justification for the procedure

29. The power under new section 34A(6) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power

are appropriate. However, given the likelihood that the threshold for what is of potential strategic importance will need to frequently change over time, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to specify information that must be provided by London licensing authorities to the GLA in relation to hearings of applications to vary of potential strategic importance (inserting new section 35(9) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

30. New section 35(8), which is being inserted into the LA 2003, provides that, where a London licensing authority is to hold a hearing in relation to an application to vary a licence and that application is of potential strategic importance to Greater London, the authority must give to the GLA specified information relating to the hearing within the specified period. New section 35(9) provides that “specified” in section 35(8) means specified in regulations made by the Secretary of State.

Justification for taking the power

31. It is necessary for the Secretary of State to be able to specify the procedural detail as to what information must be supplied to the GLA by the London licensing authority, and the period within which it must do so, to ensure that there is a common approach across all relevant licensing applications.

Justification for the procedure

32. The power under new section 35(9) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power

are appropriate. Given the procedural nature of the regulations which will be made in exercise of this power, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to modify provisions within the LA 2003 in relation to a decision of a London licensing authority on an application to vary of potential strategic importance where an intervening decision takes precedence (inserting new section 41ZA(6) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

33. New section 41ZA outlines the circumstances in which the Mayor of London must make a decision as to how to proceed in respect of certain decisions made by London licensing authorities on applications to vary of potential strategic importance to Greater London. New section 41ZA(3) provides that where a London licensing authority has made a certain decision on an application to vary a licence that is of potential strategic importance to Greater London, that decision will not have effect unless and until certain steps are taken. In particular, section 41ZA(3)(b) provides that the original decision of the London licensing authority on the application to vary will not have effect unless and until the Mayor's obligations under new section 41ZA(7) or new section 41ZB cease to apply (see further new section 41ZC).

34. Where the decision on the London licensing authority has effect by virtue of new section 41ZA(3)(b), new section 41ZA(5) provides that that decision is to take effect as subject to the "intervening decision" made by the authority in relation to the licence – new section 41ZC provides further detail regarding the definition of an "intervening decision". New section 41ZA(6) supplements new section 41ZA(5) by providing the Secretary of State with the power to make regulations to modify any provision of the LA 2003 as it applies to a decision of

the London licensing authority which has effect by virtue of new section 41ZA(3)(b).

Justification for taking the power

35. It is necessary for the Secretary of State to have a power to modify provisions within the LA 2003 under new section 41ZA(6) to resolve legal uncertainty which may arise in the future as to how provisions under the LA 2003 will interact with and apply to a London licensing authority's decision on an application to vary of potential strategic importance to Greater London which has effect as a result of an "intervening decision" that is made by the same authority in respect of the same licence. This is particularly relevant in the event that the decision on the application to vary overlaps or conflicts with the "intervening decision" - in such circumstances it may be necessary to provide clarity on duties and powers etc under the LA 2003 as may be relevant, for example, on notification requirements following a decision made by a licensing authority.

36. Such regulations would seek to provide clarity on the application of the LA 2003 and encourage a consistent approach by London licensing authorities in their interpretation and application of new section 41ZA(5) and other relevant provisions of the LA 2003.

Justification for the procedure

37. The power under new section 41ZA(6) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. It is acknowledged that this power would allow the Secretary of State to modify the effect of the LA 2003, however the negative procedure is considered appropriate given the narrow scope of the power (it is limited to the modification of the LA 2003 for the purposes of supplementing new section 41ZA(5) only). Further, given the likelihood that additional questions of operational legal uncertainty may arise over a period of time, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to specify the form and manner in which London licensing authorities must advertise the decision of the Mayor of London to call in a licensing decision on an application to vary of potential strategic importance (inserting new section 41ZA(10) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

38. New section 41ZA(8) which is being inserted into the LA 2003 requires the Mayor of London to give notice of the Mayor's decision whether or not to call in a decision of a London licensing authority on an application to vary of potential strategic importance to all interested parties (including the London licensing authority to which the application was made) and to anyone who made relevant representations in relation to the application.

39. New section 41ZA(9) requires the London licensing authority, on receipt of a notice under subsection (8), to advertise the decision of the Mayor as soon as reasonably practicable. New section 41ZA(10) requires the Secretary of State to specify the form and manner in which an advertisement under subsection (9) must be made.

Justification for taking the power

40. It is necessary for the Secretary of State to be under a duty to specify the form and manner in which a notice is advertised to ensure a level of consistency in such advertisements. The appropriate approach to advertising a notice is liable to change over time, for example as a result of changes in technology, and it is therefore necessary for the Secretary of State to have a delegated power to specify them in secondary legislation.

Justification for the procedure

41. The power under new section 41ZA(10) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. However, given the likelihood that details regarding the appropriate form and manner in which a notice may be advertised will need to change over time, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to prescribe the period within which the Mayor of London must make a decision on an application to vary of potential strategic importance to Greater London (inserting new section 41ZA(11) into the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

42. New section 41ZA of the LA 2003 provides that where, on an application to vary a premises licence where that application is of potential strategic importance to Greater London, a London licensing authority either rejects the application in whole or in part or grants the application and makes modifications to the licence conditions, it must notify the Greater London Authority. In such a case, new section 41ZA(7) requires the Mayor of London to decide, by the end of the specified period, whether or not to give a direction to the London licensing authority to take a different decision on the application at issue. New section 41ZA(11) provides that “specified” in section 41ZA(7) means specified in regulations made by the Secretary of State.

Justification for taking the power

43. The Secretary of State requires a power to prescribe the period within which the Mayor of London must take the decision under section 41ZA(7) to ensure that such decisions are taken timeously, thereby avoiding uncertainty for

applicants for variations to licences, licensing authorities and other stakeholders.

Justification for the procedure

44. The power under new section 41ZA(11) of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. Given the procedural nature of the regulations which will be made in exercise of this power, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Amendment to Schedule 24: Power for the Secretary of State to prescribe the content of an application or notice under Part 3 of the LA 2003 and the period in which an application or notice is to be made or given (amending section 54 of the LA 2003)

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Negative

Context and purpose

45. Section 54 of the LA 2003 provides the Secretary of State with a power, in relation to any application or notice under Part 3 of that Act (premises licences), to prescribe by regulations its form, the manner in which it is to be made or given, and information and documents that must accompany it. Section 54(a) is being amended so that the power extends to the content of an application or notice, and new section 54(ba) is being added so that the power extends to the period within which an application or notice is to be made or given.

Justification for taking the power

46. The amendments to the existing power under section 54 of the LA 2003 involve minor changes which will provide the Secretary of State with the ability to

provide for additional procedural requirements within regulations in respect of applications and notices which fall within Part 3 of the LA 2003.

47. The amendments to section 54 are considered necessary and proportionate in the circumstances as they will provide the Secretary of State with the ability to specify in regulations the further procedural requirements in respect of notices and applications, without which the law would be silent. It is anticipated that any regulations provided in exercise of the power within section 54 will help to ensure consistent interpretation and application of the duties and functions provided for within the existing provisions and new amendments made to the LA 2003.

Justification for the procedure

48. The power under new section 54 of the LA 2003 will be subject to the negative procedure on the basis that Parliamentary scrutiny is necessary to ensure that the provisions within any regulations made in exercise of the power are appropriate. Given the procedural nature of the regulations which will be made in exercise of this power, it is considered that the negative procedure would be the most proportionate, to ensure scrutiny without the need to occupy a significant amount of Parliamentary time.

Ministry of Housing, Communities and Local Government

28 January 2026