

NORTHERN LIGHTS

Presented by the

NTIA | NIGHT TIME
INDUSTRIES ASSOCIATION

A MANIFESTO FOR SCOTLAND'S NIGHT TIME ECONOMY 2025

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CONTENTS

Executive summary of recommendations	3
Chapter 1: Introduction	5
Chapter 2: National governance	9
Chapter 3: Local governance	13
Chapter 4: Placemaking	17
Chapter 5: Licensing	20
Chapter 6: People	26
Chapter 7: Best practice schemes	29
Chapter 8: Costs and finance	34
Further reading	38

EXECUTIVE SUMMARY OF RECOMMENDATIONS

- 1. The Scottish Government should make a clear statement of support of the night time economy**
- 2. Appoint a Minister for the Night Time Economy**
- 3. Create a power for the Minister for the Night Time Economy to create a Night Time Economy Strategy**
- 4. Create a Night Time Economy Strategy Board**
- 5. Introduce duty on local authorities to create a local night time strategy**
- 6. Create duty on local authorities to have regard to the national strategy when exercising relevant functions**
- 7. Promote the establishment of Offices for Nightlife**
- 8. Local planning policy should set out express protections for the night time economy**
- 9. The planning system should provide for cultural heritage designation of night time venues**
- 10. Local plans should protect local authenticity in the night time economy. The agent of change principle should be properly supported in local planning policy, and become a principle under local licensing policy**
- 11. The concept of proportionality should apply to all licensing decisions, not just premises licence review hearings**
- 12. The impact, if any, of overprovision policies on the night time economy and the licensing objectives must be better understood.**
- 13. Enhancing the positive role of mediation and partnership in the management of the night time economy.**
- 14. A standard approach should be agreed as to the use of police statistics in licensing**

- 15. The licensing system for short term lets and late hours catering for retail should be re-assessed**
- 16. Training for Licensing Board members**
- 17. There should be continuing professional development for night time economy workers.**
- 18. National Guidance should promote the use of street ambassadors**
- 19. National strategy should be better informed on actions against perpetrators**
- 20. Best practice schemes should be promoted by The Scottish Government**
- 21. Local authorities should accredit night safety champions.**
- 22. Local authorities should plan their local arts ecology.**
- 23. National strategy should promote late night transport initiatives**
- 24. National strategy should promote diversity in the night time economy**
- 25. National strategy should promote sustainability in the night time economy**
- 26. Drug testing should be piloted and tested in town and city centres**
- 27. VAT should be reduced.**
- 28. The rates burden should be reduced.**
- 29. A national fund for the protection of cultural venues should be established**
- 30. The government should ensure that there is an equitable business interruption insurance scheme available to all venues**



CHAPTER 1: **INTRODUCTION**

Chapter 1: Introduction by Mike Grieve: Chairman, NTIA Scotland



Scotland's night time economy is a dynamic ecosystem which is a wellspring of creativity, innovation and diversity. We take pride in championing these businesses which make such a significant contribution to Scotland's economy and world renowned cultural offer.

The NTIA defines the Night Time Economy as being the economic and cultural activity undertaken primarily between the hours of 6pm and 6am, which is of significant importance to Scotland's overall economy, constituting a considerable proportion of our national economic output. Across Scotland, the NTE supports over 137,000 jobs within businesses and their associated supply chains. The majority of these businesses are locally owned and home-grown in Scotland. They are embedded in local communities and are the beating heart of our town and city centres. A safe yet vibrant night time economy is crucial to a thriving future for every major town and city across Scotland.

However, Scotland's night time economy finds itself in a precarious state. Decline is not unique to Scotland and is driven by a complex set of factors, exacerbated by a cost-of-living crisis, business cost inflation, escalating energy and wage costs, burdensome business rates, and excessive regulation. The last UK budget brought significant increases in National Insurance contributions alongside the increase in minimum wage, both of which impact the hospitality sector disproportionately due to the high level of part time workers.

In Scotland, these challenges are compounded by a lack of rates relief. Even the limited relief announced for 2025/26 in the November 2024 Scottish Budget Statement had important small-print: rates relief would only be made available to hospitality premises with a rateable value below 51k, excluding most city or town centre businesses from the benefit. It is estimated that more than 2500 hospitality businesses in Scotland will not benefit from any relief.

Meanwhile equivalent businesses in England are receiving 40% rates relief in 2025/26 having already benefited from 75% relief in each of the previous 2 years - relief which was also not passed on to Scottish businesses in the previous two Scottish budgets. It can't be overstated how significant these sums of money could be to Scottish operators as they fight to survive and retain jobs, and sadly we are seeing a disproportionate impact across Scotland as more businesses and cultural venues are forced to close their doors for good.

Our night time economy is also suffering real consequences arising from other Scottish Government policy decisions, in particular transport policies which are deterring customers from visiting our town and city centres.

Whereas many major cities across the UK have taken real steps to revitalise city centres and actively bring forward policies and measures to increase vital footfall, the Scottish Government's policies, designed to reduce vehicle traffic, have come into force without first building or facilitating adequate public transport alternatives. The effect of this has been to deter people from visiting our city centres, in turn making it significantly more challenging for hospitality operators and the wider night time economy. As an organisation, and as an industry, we wholeheartedly embrace the need to transition to more environmentally sustainable cities, but the pace of change, and inflexibility of policy goals, cannot come at the cost of losing much-loved businesses. The current approach negatively impacts the safety of both staff and customers, disincentivises visitors to our city centres from surrounding areas, deters both local and touring artists from performing in our cultural venues, and simply does not support the health and wellbeing of businesses or promote the cultural life of our cities.

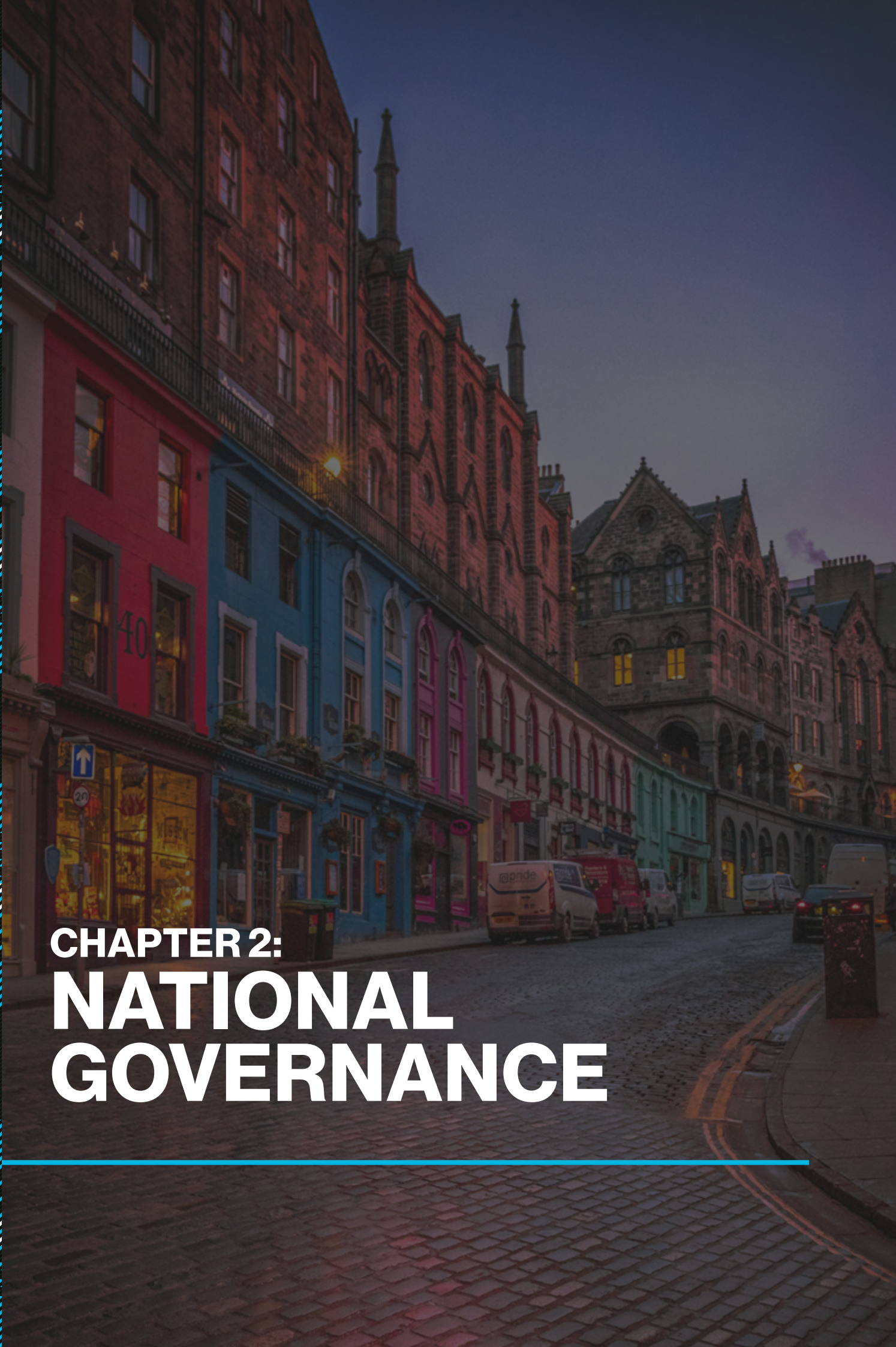

With the right support, Scotland's night time economy can thrive and lead the revitalisation of town and city centres across the country. Without a change of course we will continue to lose these venues and other cultural assets, and witness our high streets become increasingly desolate and deserted after dark with an inevitable cycle of decline and degradation to follow.

There are over 12,600 night time economy businesses in Scotland, most of which are SMEs, supporting 137,000 jobs, and generating £43.5 billion GVA in 2022 to the UK economy, falling from a peak of £47.5 billion recorded in 2019.

It is vital that strategic measures are introduced at national and local government level across Scotland to address these issues, and that structural governance of the evening and after dark economy is embedded at all levels of government. In 2025, more than 100 cities globally have active Night Time Economy offices and officers. Scotland is at serious risk of falling even further behind this important trend without urgent attention and action.

Around the world, Scotland is famous for its hospitality, and our night time economy helps bring this experience to life for residents and visitors alike. It's where new musical and artistic expressions take root, where mainstream culture meets the counterculture, and where we embrace our passions, express our uniqueness, and celebrate our shared humanity.

Our manifesto, Northern Lights, is a roadmap for both Scottish Government and Scottish Local Authorities to take tangible steps to support this crucial part of Scottish society and culture.



CHAPTER 2: **NATIONAL GOVERNANCE**

Chapter 2: National Governance

In this chapter, we advocate an important change in governance of the night time economy.

Under the present system, national policy for the night time economy is to regulate the licensed elements in relation to alcohol and entertainment premises. The Scottish Parliament sets the framework for primary regulation under the Licensing (Scotland) Act 2005¹. The Scottish Government publishes guidance to licensing boards on the application of the 2005 Act. Licensing boards publish local policies as to how they will regulate it through the system of licensing under the 2005 Act, taking national guidance into account.

The night time economy is often seen exclusively as something needing regulation, through the prism of late-night bars and nightclubs. But the night time economy is so much more than that and our system of licensing is focused almost exclusively around the provision of alcohol, albeit there are some business types licensed in other ways such as through the Civic Government (Scotland) Act 1982² in the form of public entertainment licences, late hours catering, and taxi/private hire, and some gambling businesses which operate in the night time economy licensed through the Gambling Act 2005³ (as it applies in Scotland).

Translated to local level, the role of licensing is place-keeping. This is in contrast with the planning system, whose role is place-making, the promotion of sustainable development and high-quality design. This is achieved through a National Planning Policy Framework (currently NPF4⁴) and local development documents, which contain positive policies to drive national strategy in local settings.

We believe that the Scottish Government should adopt a national strategy for the night time economy. The benefits will include national recognition of the benefits of the night time economy, greater public understanding of such benefits, a more positive approach by local regulators, and increased business confidence to invest in the economy itself.

Recommendation 1: The Scottish Government should make a clear statement of support of the night time economy

The licensing of alcohol premises in the Scottish night time economy sits with Ministerial brief of “Victims and Community Safety” which is a junior brief within Justice and Home Affairs. The current Minister for this portfolio is Siobhian Brown MSP⁵. This approach means that the focus of the Scottish Government in interacting with the night time economy appears limited to a harms-only understanding; that engagement by Government with the night time economy is through the lens of victims and safety, and is unfairly focused purely through the notion of alcohol licensing. This is not appropriate.

1. <https://www.legislation.gov.uk/asp/2005/16/contents>

2. <https://www.legislation.gov.uk/ukpga/1982/45/contents>

3. <https://www.legislation.gov.uk/ukpga/2005/19/contents>

4. <https://www.gov.scot/publications/national-planning-framework-4/>

5. <https://www.gov.scot/about/who-runs-government/cabinet-and-ministers/minister-for-victims-and-community-safety/>

Trust in the Scottish Government in this sector is at a low ebb. According to data compiled by the Scottish Tourism Alliance in November 2024, 85% of tourism and hospitality businesses have “no or low trust” in the Scottish Government to deliver appropriate funding⁶.

The Scottish Government must be prepared to consult with business before introducing burdensome new regulatory regimes such as proposed measures on alcohol advertising, and at the very least should ensure proper processes are followed to produce evidence-based Business Regulatory Impact Assessments, and Islands Impact Assessments. The Scottish Government must also take steps to understand the baseline of how this sector contributes to Scottish society and economy; to then have a greater appreciation of the concomitance of the regulatory burden. A pause on new restrictions should be considered to allow the sector time to heal and recover.

Underlying this, the Scottish Government must expand its approach by acknowledging and celebrating the positive social and economic impact of the creative, cultural and tourism communities which play into the night time economy. The Scottish Government's National Strategy for Economic Transformation, which was published in March 2022⁷, does not mention the night time economy at all.

The Scottish Government should make a clear statement of support of the wider night time economy and take meaningful steps to restore trust.

Recommendation 2: Appoint a Minister for the Night Time Economy

The night time economy is crucial to the life of Scotland, both economically and culturally. It is a core reason for businesses to locate here and is an important part of the soft power of the nation. As an industry, it needs and deserves its own minister in the Scottish Government.

An appointment would signal the commitment of the Scottish Government to support and foster the night time economy, and to represent its interests and concerns both within Government, at cabinet level, and with other UK government departments. At present, the night time economy is not well served by the Scottish Government as elements are briefed out to different Ministers. Hospitality, for example, sits under the Culture brief held by Angus Robertson, whilst the licensing brief sits with Victims and Community Safety, whilst wider alcohol policy sits separately under the Drugs and Alcohol brief, and this siloed approach creates barriers to joined-up thinking.

A Minister for the Night Time Economy would be able to bring all this together in a meaningful way, reporting to the Cabinet Secretary for Economy.

6. <https://www.insider.co.uk/news/scottish-tourism-hospitality-businesses-on-34190842>

7. <https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation/documents/>

8. See, for example, “Culture Shock: Covid-19 and the cultural and creative sectors” (September 2020), OECD https://read.oecd-ilibrary.org/view/?ref=135_135961-nenh9f2w7a&title=Culture-shock-COVID-19-and-the-cultural-and-creative-sectors

Recommendation 3: Create a power for the Minister for the Night Time Economy to create a Night Time Economy Strategy (“NITES”)

Scotland benefits from national strategies in several economic and service sectors. But it has never had a national strategy for the night time economy, which has largely been left to fend for itself. The decline of the sector in recent years, including in community pubs, music venues and LGBT facilities, has been caused by a number of factors, including economic pressure on households, the pandemic⁸, energy and commodity costs and the rise of the online sector.

These structural causes call for a national strategic response. The Scottish Government is currently preparing a strategy for the arts and creative industries, recognising the economic and cultural importance of that sector. There is a similar argument in favour of a Night Time Economy Strategy so that there is cohesion across different ministerial briefs. This would cover a range of topics, including funding, taxation, employment, apprenticeships, skills, tourism, economic development, regional growth, safety, transportation and so forth. Specific ideas are set out below.

The Strategy would serve the function of promoting the night-time economy, while equipping local authorities with the skills and resources they need to translate the strategy to local level.

Recommendation 4: Create a Night Time Economy Strategy Board

We recommend the appointment of a Board to advise the Minister and inform the Night Time Economy Strategy. The Board would also review and advise upon the effectiveness of the Strategy. The Board would include night time industry leaders, workers, regional representatives and minority groups. The NTIA is aware of the Scottish Government Tourism and Hospitality Industry Leadership Group⁹, however whilst the remit of that group does have some overlap in seeking to support hospitality businesses, it is primarily aligned with the “Scotland Outlook 2030: Responsible Tourism for a Sustainable Future”¹⁰ project which, whilst honourable, does not adequately acknowledge or target the discreet issues being faced by the night time economy.

8. See, for example, “Culture Shock: Covid-19 and the cultural and creative sectors” (September 2020), OECD https://read.oecd-ilibrary.org/view/?ref=135_135961-nenh9f2w7a&title=Culture-shock-COVID-19-and-the-cultural-and-creative-sectors

9. <https://www.gov.scot/groups/tourism-and-hospitality-industry-leadership-group/>

10. <https://scottishtourismalliance.co.uk/scotland-outlook-2030-overview/>

A wide-angle photograph of a busy pedestrian street in Glasgow, Scotland. The street is lined with historic, multi-story buildings. A large crowd of people is walking along the street. In the background, a large, ornate building with a green dome is visible. A banner with the word 'GLASGOW' is hanging from a lamppost. The sky is overcast.

CHAPTER 3: LOCAL GOVERNANCE

Chapter 3: Local Governance

In Chapter 2 we advocated a national strategic approach which recognises that the night time economy deserves to be planned and promoted, not just regulated. In this chapter we explain how this new approach should be cascaded down to local level.

Recommendation 5: Introduce duty on local authorities to create a local night time strategy

Local authority plans rarely make detailed provision for the night time economy. Licensing board policies tend to be framed in terms of regulation rather than promotion or placemaking and the licensing board is not a committee of the local authority; it is a separate body with a specific statutory function.

Planning and licensing policies do not always pull in the same direction. Other local authority functions, such as regeneration, culture and public health, might touch on the night time economy, but not always with conviction. This should change.

The Scottish Government targeted an “increase in cultural offer”¹¹ as a key recommendation of the City Centre Recovery Task Force; but what steps have been taken to follow through on that remain to be seen. Creating this new duty would go some way to deliver on that promise.

An overarching night time strategy will encourage authorities to think strategically about the promotion and development of the night time economy in their area. A modest amendment, e.g. to the Local Government in Scotland Act 2003, would require production of a night time strategy, to which the authority would have regard when exercising relevant functions, including planning and civic licensing, and the Scottish Government Guidance to Licensing Boards¹² could be updated to require licensing boards to have regard to that strategy¹³.

These measures would help the authority to develop a night time economy which is vibrant, distinctive and appropriate to the local community, its needs and traditions. The night time strategy may have regard to, or link to, the licensing board policy, but would operate separately.

A duty such as this should also, in our view, ensure that wider decision making by a local authority would be better informed as to the impact on the night time economy and avoid poor consultation or a “silo” approach to significant city or town centre infrastructure decisions, as could be seen with the proposed redesign of Inverness city centre which was held unlawful by the Court of Session¹⁴, or with Aberdeen's bus gates.

11. Scottish Government, City Centre Recovery Task Force Report (September 2022) <https://www.gov.scot/publications/report-city-centre-recovery-task-force/>

12. <https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards/documents/>

13. This amendment would, in our view, sit within the “relationships with other strategies” element of the guidance, at Paragraph 4.12 through 4.15.

14. Cains Trustees (Jersey) Ltd and Cains Fiduciaries (Jersey) Ltd as Trustees for the Eastgate Unit Trust v Highland Council [2024] CSOH 80.

Recommendation 6: Create duty on local authorities to have regard to the national strategy when exercising relevant functions.

The national strategy will set out strategic themes as well as specific ideas for promoting and supporting the night time economy. In exercising its functions, including producing its local plan, statement of licensing policy and cultural strategy, an authority will benefit from the ideas in the national strategy. Those ideas will have been published by the Minister following advice from an expert national board. Not every authority will adopt all of the ideas, but the national strategy will provide a ready reference and starting point for the development of local approaches.

The overall governance structure will, for the first time, mean that national ideas for the promotion of the night time economy will be formalised and cascaded into local settings, producing cultural and economic benefits for local communities.

Recommendation 7: Promote the establishment of Offices for Nightlife

Presently, local government structures rarely if ever include a post, let alone a department, focussed on the promotion of a safe and diverse night time economy. Cities and regions across the world have now established a specialised night time function. The most successful experiments have involved creating an office for nightlife. For example, the New York City Office for Nightlife¹⁵ is supported by an independent Nightlife Advisory Board. In the prototype, Amsterdam, the role of Night Mayor was in fact an independent non-governmental organisation. It has been estimated there are now around 80 “night mayor” roles globally¹⁶.

In Scotland, there are few examples as again there is no statutory basis for a function or role of this nature. Aberdeen City Council has had a position of Night-Time Economy manager funded through the local BID, Aberdeen Inspired¹⁷, since 2017.

Glasgow City Council has also explored this concept. A night time “commission” of sorts was established pre-Covid but withered on the vine. In 2024, a new group was taken forward called the Evening and night time economy Sub-group, which is chaired by NTIA Scotland Chairman, Mike Grieve of the Subclub. The work of that group is in early stages.

Edinburgh announced in February 2024 that a new role of “night time co-ordinator” would be established¹⁸ however this process appears not to have gained any traction some months later.

¹⁵ <https://www.nyc.gov/site/sbs/businesses/nightlife.page>

¹⁶ <https://www.archdaily.com/1018657/the-rise-of-night-mayors-managing-economy-culture-security-and-climate-change-after-dark>

¹⁷ <https://www.aberdeeninspired.com/>

¹⁸ <https://democracy.edinburgh.gov.uk/documents/s65225/Item%2076%20-%20Night%20Time%20Coordinator.pdf>

Whilst it is encouraging to see major Scottish local authorities recognise the principle of having some form of structure, more needs to be done to support the wider concept and to remember that the night time economy of Scotland is not just large city centre areas. The night time economy exists in our cities, our towns, our villages, our islands.

There should be joined-up best practice on such roles so that they do not develop in a silo, agreed by both national and local government with consistent goals and strategies.

An Office for Nightlife would help promote and advocate the night time economy, allowing the Office to liaise with relevant bodies including local authorities, police, tourism agencies and cultural bodies, promote safe standards, conduct local research and collate data.

The Office for Nightlife would play a key role in advising local authorities on the development of their local strategies, so ensuring that the national strategy is effectively implemented at local level, and could meet with the licensing board to offer insight in the same way that Local Licensing Fora meet with licensing boards. Local authorities might even decide to work with each other and the Office for Nightlife to produce a sub-regional strategy to create greater local consistency and benefit from economies of scale. This would help ensure that all areas of Scotland, and not just larger towns and cities, benefit from the active development of a vibrant night time economy where appropriate.





CHAPTER 4: PLACEMAKING

Chapter 4: Placemaking

The most successful night time economies are well-integrated in their local settings and serve the particular needs of their local communities. In this chapter we set out different tools for creating locally distinctive, viable and sustainable night time economies. These should be referenced in national strategy for consideration at local level, through planning and regeneration policies.

Recommendation 8: Local plans should set out express protections for the night time economy

We recommend that all local planning policies should set out high level support for the night time economy. The question of how this is to be done will be for local decision-makers appropriate to the local geography.

Recommendation 9: The planning system should provide for cultural heritage designation of night time venues

Sites of popular culture, such as pubs, night clubs and music venues, even those with illustrious histories or which have long been embedded in the local community, are not protected by the planning system on the basis of their cultural heritage per se.

Whereas the agent of change principle theoretically helps to protect such venues from adjacent residential development, it provides no protection from redevelopment of the site itself. This is important since residential land is almost invariably more valuable economically than for cultural uses.

It is recommended that Parliament should provide for the designation and consequent planning protection for sites of cultural value. The system may be operated by local authorities, in the same way as the designation of conservation areas. A system of local designation will help to ensure that the historic value of the site receives due weight in the planning balance.

The overall system will help to ensure that sites of popular culture receive protection in the same way as high culture institutions such as opera houses, theatres and concert venues. In Germany, nightclubs such as Berghain in Berlin are treated as cultural institutions. We recommend that a similar approach should be adopted in Scotland to protect the legacy and cultural impact of our venues.

Recommendation 10: Local plans should protect local authenticity in the night time economy

Creative hubs often arise from small units clustered in distinctive local areas, run by independent operators. Such areas merit protection in their own right. Local plans should identify such areas, offer support and promotion, and recognise the importance of small, independent businesses within such areas.

Recommendation 11: The agent of change principle should be properly supported in local planning policy, and become a principle under local licensing policy

The agent of change principle, which requires the incoming use to protect the existing use, is recognised in the Scottish Planning Policy Framework¹⁹. However, there are examples of it not being applied effectively, so threatening night time venues²⁰. Through national strategy or planning policy, authorities should be required to identify locations of late night and music venues which may be affected by applications for residential development. National training should be available through bodies such as COSLA or the Institute of Licensing on the practical application of agent of change principles.

The agent of change principle is expressly recognised by some Scottish licensing boards within local licensing policy. It should be formally adopted as a part of the 2005 Act, obliging all licensing boards to have regard to the principle when considering applications and representations²¹.



19. See s.41A of the Town and Country Planning (Scotland) Act 1997 (as amended by s.25 of the Planning (Scotland) Act 2019).

20. See here for a note on the application of the Agent of Change principle by the Theatres Trust: https://www.theatrust.org.uk/assets/000/002/964/Using_agent_of_change_to_protect_theatres_updated_Apr23_original.pdf?1683105338

21. See further *Bengal Dish Ltd v Aberdeenshire Licensing Board* 2024 SLT (Sh Ct) 7; and McGowan, S (2024) 'Alcohol Licensing and Public Nuisance: Who or What is The Public?', *The Juridical Review*, Issue 3 of 2024; pp 179–184



CHAPTER 5: **LICENSING**

Chapter 5: Licensing

The Licensing (Scotland) Act 2005 has generally been effective, in subjecting licensed operations to control by the licensing board and so promoting democratic accountability. Nevertheless, there are several opportunities to increase flexibility, save costs and protect venues from unnecessary action.

Recommendation 12: The concept of proportionality should apply to all licensing decisions, not just premises licence review hearings

In the 2005 Act, licences may be refused or revoked, or costly conditions may be added to licences, simply because the licensing board considers it “appropriate” to do so. The concept of proportionality does not appear other than following an action by a licensing board in a premises licence review hearing, where perhaps a licence has been suspended or revoked.

However, proportionality is the touchstone of good regulatory practice. In essence, it means that any intervention is at the lowest level required to achieve the objective in question. In making that assessment, the licensing board should take a risk assessed approach by considering the risk, the likelihood of its occurring and the severity of the consequences, so as to avoid imposing disproportionate burdens. The concept of proportionality is an essential tool to avoid over-regulation, and should be used with substance and rigour.

For these reasons, we recommend that the concept of proportionality should be alluded to directly in what would be a modest tweak to the 2005 Act²², as a ground of appeal to refusals of all applications. It would also be elaborated in the Scottish Government Guidance to Licensing Boards and therefore also cascaded into local decision-making through statements of licensing policy.

Recommendation 13: The impact, if any, of overprovision policies on the night time economy and the licensing objectives must be better understood

The 2005 Act allows licensing boards to establish overprovision zones which may be parts of their jurisdiction, or indeed their whole jurisdiction. The effect of this is to create a rebuttable presumption against the grant of a new licence in that zone.

There has been no research undertaken to establish what the impact of overprovision zones has been on the night time economy, or on any of the five licensing objectives under the 2005 Act. The Scottish Government should instruct research on these two points so that any national or local strategies are properly informed.

22. This would be an amendment to s131(3), viz to delete s131(3)(b) and add the following to s131(3)(a): “(v) acted disproportionately in all the circumstances.”

Recommendation 14: Enhancing the positive role of mediation and partnership in the management of the night time economy

The Licensing (Scotland) Act 2005 provides for licences to be granted and varied, and then it provides for licences to be reviewed and even revoked. In relation to how authorities and communities can work together to avoid the necessity for reviews, there exists the role of the Licensing Standards Officer (LSO), who has amongst their statutory powers the role of “mediation”.

LSOs in Scotland will often “intervene” where there is a complaint between a licensed premises and a neighbour, perhaps over noise issues. However, the NTIA believes that there is much more which can be done through local and national policy to support the role of mediation and partnership.

If the mindset of licensing authorities is to assist the venue into compliance, and support LSOs more profoundly with their statutory role of mediation, time and effort will be saved. This takes a careful approach which could be developed on a national and local policy basis, instead of being left to whim or efforts of individual local LSOs doing their best to find sensible solutions.

Resources and training should be provided to LSOs to achieve this shared goal, and this could be underpinned by the local licensing board policy.

Part of this approach should be to revisit the adverse impact of random and sequential compliance inspections by different agencies. This can be unnecessarily stressful and resource-intensive. There should be a multi-agency approach. The licensee should know in advance what s/he should expect at an inspection. Results should be recorded and shared. Any remedial steps should be discussed, agreed, and recorded.

Having national and local policies in place which recognise the benefits of multi-agency partnership working will improve the relationships, and therefore the trust, between licensed premises and responsible authorities.

In the case of local residents, there should normally be a mediation process before review proceedings are commenced. The mediator should be the LSO as this is part of their statutory duties. It is important however that the LSO remain neutral in such scenarios and work with all parties rather than taking sides, or being seen to take sides. Venue owners should set out to maintain good relations with local residents. Where there are concerns, they should hold periodic meetings to discuss them, with actions agreed and minutes kept and distributed.

The NTIA acknowledges that these approaches are already in place with LSOs across Scotland who will be doing their best to find solutions, but feel that LSOs would be better supported to have these efforts acknowledged more meaningfully in national and local policy. For example, whilst the presence of mediation as a statutory tool is recognised in the Scottish Government Guidance to Licensing Boards²³, it is our view that the guidance could go further to espouse the principles we discuss here.

Recommendation 15: A standard approach should be agreed as to the use of police statistics in licensing

In Scotland, the use of statistics by Police Scotland in the licensing context tends to come about in three ways: (1) where an antisocial behaviour report has been requested in the context of a new licence application; (2) in an annual report to the licensing board; and (3) on an ad-hoc basis perhaps in relation to a variation or review hearing where the police produce statistics relevant to a premises or locality, or perhaps where the licence holder has requested such statistics.

However, our members report that the use and presentation of statistics is variable in different parts of Scotland. Whilst there is a single police force, there are clear differences at local licensing board level as to how statistics are used or presented.

The weight to which licensing boards give police statistics is also variable. What is an acceptable level of crime? There is no such thing. What the licensing board should be looking for is proper management of the venue, not some arbitrarily determined “acceptable” level. As we note above, the focus should not be that a crime occurred, but instead about what steps a premises has or had in place to seek to prevent crimes from occurring, and how the management has responded to a crime occurring. This is a principle we believe is shared by Police Scotland, and whilst we acknowledge the presence of a national licensing unit with the force which has made some efforts on this issue, we believe more can be done to agree a common framework or Standard Operating Procedure as to how statistics are gathered, used and presented at licensing hearings.

We would like to see progress made on issues such as the inclusion of unproven crime, the use of premises as “landmarks”, and an acknowledgement of the size of venues in relation to localities (for example where a particular premises might be the locus or anchor of a localities night time economy). The goal of licensing is not and cannot be to obviate crime. That is because crime happens where people gather. The Licensing Act does not require crime to be eradicated. Nor does it require the closure of venues which fail to eradicate it.

23. See Paragraph 718: <https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards/>

The focus of the 2005 Act is on requiring licence holders to take steps to prevent crime and disorder. In practice that means ensuring that venues are taking reasonable steps to prevent, detect and report crime in their premises. If they are doing so, they should not be closed but praised. If they aren't, then perhaps steps are required to ensure they do.

We therefore advise that Police Scotland should commence a working group inclusive of night time economy businesses and other stakeholders to seek a uniform approach to the collation, use of, and presentation of statistics at licensing hearings.

Recommendation 16: The licensing system for short term lets and late hours catering for retail should be re-assessed

Part of the difficulty night time economy businesses face is burdensome red-tape.

The provision of short term let and self-catering accommodation is a key factor in encouraging a vibrant night time economy. Good provision of local accommodation like this can attract people to spend in local communities, supporting local businesses and jobs. The short term let licensing regime has been a sledgehammer to crack a nut. Those who provide short term lets appear to us to have been subject to unwarranted inferences.

For some, the licensing system appears to have been put forward as the solution to housing stock issues, instead of an evidence-driven system linked to the purpose of licensing. Housing stock may well be a societal concern; but it is not a licensing concern, and there is no evidence that we are aware of that short term lets have had any tangible impact on general housing shortages; in fact, they account for just 0.8% of Scotland's housing stock, whilst generating some £864m GVA and supporting 29,324 jobs²⁴.

The short term let licensing system has forced responsible operators out, and we have in turn seen the rise of a black market, particularly in key areas in Edinburgh and in the Highlands.

The Scottish Government should instruct an independent review of the scheme and consider whether an alternative, such as akin to landlord registration, would be a fairer and proportionate alternative.

Another example of unhelpful red-tape and regulation is the amendment to late hours catering licensing which extended the licensing requirement from hot food takeaway premises to any retail premises selling any food or drink. So, whilst historically the licence requirement applied to, for example, late night fish & chips shops or kebab shops, it was later extended so as to include small convenience shops, petrol stations and so on – any premises selling food of any nature from a stick of gum or a bottle of water.

24. Biggar Economics, Report to the Association of Scotland's Self-Caterers, "Economic Impact of Short-term Lets in Scotland", 11 December 2024: <https://assc.flywheelsites.com/wp-content/uploads/2024/12/Economic-Impact-of-Short-term-Lets-in-Scotland-Report-by-BiGGAR-Economics-11Dec24.pdf>

This change was made under s.177 of the Criminal Justice and Licensing (Scotland) Act 2010 and came into force in October 2012. However, we are not aware of any ongoing evidential basis to require licensing for shops like small grocers or 24-hour shops purely because they sell consumables during the hours of the night time economy.

It has created an unnecessary burden for such businesses, but also for local authorities who have to find resource to process such applications.

The Scottish Government should consult on whether this change should be reversed, with licensing focusing on businesses selling hot food/meals instead of retail food items like snacks and juice.





CHAPTER 6: **PEOPLE**

Chapter 6: People

Recommendation 17: Training for Licensing Board members

Under the 2005 Act licensing board members have to undergo training within 3 months of being appointed to the position. It is our understanding that the only organisation accredited to deliver licensing board member training is Alcohol Focus Scotland, a body which actively campaigns to restrict and prohibit alcohol and which appears outspoken in how it describes and frames the licensed trade. It seems to us questionable that licensing board members have no option but to be trained on licensing laws, and their quasi-judicial function within those laws, by an organisation with a clear anti-alcohol agenda. The Scottish Government should accredit neutral training providers who have no link to anti-alcohol campaign groups, and no link to the licensed trade, to avoid bias and the perception of bias.

Recommendation 18: There should be continuing professional development for night time economy workers

Working in the night time economy should provide a career path. Those wishing to hold a personal licence have to attain a set qualification. Others need no qualification as such although there is a mandatory staff training requirement for persons selling alcohol. While large operators run their own training schemes, there is a need for those not employed by large operators to develop their professional skills. Such training is sporadically available, such as provision of training offered by Police Scotland such as Bystander Training which is advocated by organisations like Best Bar None Scotland²⁵ to improve best practice.

The Scottish Government should support a universal provision of vocational training through Awarding Bodies, with qualifications appropriate to the learner's needs, which may vary whether they wish to work, for example, in pubs, clubs and festivals. Training could include EDI, neurodiversity, mental health well-being, public health approaches, safety initiatives, guidance for management of larger venues and crowd management, leading to a competent, knowledgeable and responsible domestic workforce.

The NTIA has established the Safeguarding Nightlife Training Hub²⁶ which ought to be a model for more universal training initiatives.

Recommendation 19: National Guidance should promote the use of street ambassadors

There are many examples of street ambassadors in Scotland and across UK, including street pastors and "city angels". Ambassadors were successfully used in the London Olympics in 2012 and the Glasgow Commonwealth Games in 2014 to give two examples. They serve important functions of

²⁵ <https://www.bbnsotland.co.uk/news-database/engaging-the-bystander-dumfries-b3dm8>

²⁶ <https://ntia.co.uk/safeguarding-nightlife-partnership/#:~:text=Safeguarding%20Nightlife%20offers%20a%203.staff%20in%20late%20night%20venues>

providing a welcome, acting as a reassuring safety presence, giving directions, providing liaison as necessary with the emergency services, providing assistance to people in need of it, e.g. because of intoxication, being separated from their friends or finding themselves without a bus fare home. Funding is often charitable, but also can come from Business Improvement Districts and public sector contributions. They should be encouraged in every town and city.

We would ask the Scottish Government to co-ordinate with COSLA to understand what local authorities are already providing, to create a map of the current network. The NTIA is aware of local examples of street pastors and ambassadors in different Scottish localities. Our members see the benefit of these schemes and would encourage a national, cohesive approach to share best practice, encourage communication, and work in partnership with night time economy businesses for the shared goal of safety and enjoyment of our night time venues.

Recommendation 20: National strategy should be better informed on actions against perpetrators

Those who commit crime in the night time economy - whether at a high or low level, and whether inside or outside venues, endanger others, harm the amenity of local residents, create fear in local communities and deter some from visiting the night time economy at all. Their conduct can lead to the closure of venues even when the venue itself is not at fault. Often, there are no consequences for their behaviour, e.g. because their conduct is not reported, or if reported is not acted on, or if acted on is not prosecuted. The NTIA is keen to understand the focus, such as it may be, on individual perpetrators of crime in the night time economy, where our members are often the victims as well as the locus.

There appears to us, anecdotally at least, to be a dearth of convictions of related offences, and we would like to understand what the statistics of convictions tells us as to how society deals with those committing crimes in this sector.

The use of Exclusion Orders is also something which we would like to see properly analysed. How many such Orders have been issued? How aware are the courts of these?

The NTIA is also aware of campaigns and legislative change which has come through the Scottish retail sector, such as those organised by the Scottish Alcohol Industry Partnership²⁷ who have worked with Police Scotland and local authorities like the “It’ll Cost You”²⁸ campaign and the impact other sector organisations like the Scottish Grocers Federation²⁹ whose efforts we understand helped the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021³⁰ come into effect. We would encourage the Scottish Government to explore whether similar protections can be put in place for the people who work in the night time economy.

27. <https://www.saip.org.uk/saipinitiatives>

28. <https://www.itwillcostyou.com/>

29. <https://www.sgfscot.co.uk/>

30. <https://www.legislation.gov.uk/asp/2021/6>



CHAPTER 7: **BEST PRACTICE**

Chapter 7: Best Practice

Over the last 20 years, there has been greater focus on good practice in the night time economy, going beyond measures by individual venues. Good practice should be highlighted and promoted in national guidance and in the national strategy.

Recommendation 21: Best practice schemes should be promoted by the Scottish Government

There are several good practice schemes operating in the night time economy, including Purple Flag (which accredits safe, welcoming and diverse night time economies,) Best Bar None (which accredits safe bars and venues), Business Improvement Districts (which collect a supplement to rates and utilise the fund for marketing and safety and environmental improvements) and Pubwatch (which helps bars share information relevant to crime and disorder). These are all worthy of encouragement, subject to local cost benefit analysis and need.

The Scottish Government should co-ordinate an awareness-raising campaign to show how all of these schemes help benefit the night time economy.

Recommendation 22: Local authorities should accredit night safety champions

Those who do most to ensure that the public is safe in night time venues are often volunteers such as street angels or venue staff acting beyond the call of duty. Local authorities should recognise and reward these contributions through a system of local awards. We recognise that Best Bar None has a particularly strong role in Scotland and perhaps the idea of a “night safety champion” could be introduced as a special award in the existing Best Bar None setup, or through local authority community awards.

Recommendation 23: Local authorities should plan their local cultural ecology

The vibrancy of a local cultural ecology based in the night time economy is dependent on early nurturing, starting with music and arts education in schools, performance opportunities in a hierarchy of venues, and vocational learning in allied fields, e.g. sound engineering, DJing, event production, marketing and social media. The national strategy should encourage local authorities to plan for their local ecology through their culture and education strategies and budgets, in partnership with arts funding bodies and industry representatives.

Recommendation 24: National strategy should promote late night transport initiatives

Late night transport is crucial for night workers, including musicians, helps the night time economy by improving transportation for customers, and is key to women's safety.

Transport and access to venues is a key concern for our Scottish members. There are a number of regulatory barriers to transport access in important night time economy hubs, such as the bus gates in Aberdeen city centre, or the issues around LEZ in Glasgow, and the availability of late-night trains or buses. For example, Aberdeen reported an incredible reduction from 1,080,865 down to 565,162 visits to the city centre since the bus gates were activated³¹.

In addition to that, we also acknowledge that post-Covid there has been a real impact in the provision of taxi and private hire provision in key Scottish locations.

Despite the acknowledged issues of lack of taxi and private hire provision to contribute to a safe night time economy, some local authorities in Scotland retain an "overprovision" policy under the Civic Government (Scotland) Act 1982, meaning no new licences are being issued even where there are multiple prospective drivers eager to get out³².

Yet, there are opportunities which can be explored with both local and national government. Free schemes operate in many cities including Austin Texas, Tallinn Estonia, Berlin and Montreal. Such schemes may provide free transport for local residents, or with hotel stays or with a city culture pass, or for young people travelling with adults or on celebratory days. Authorities should be encouraged to pilot free transportation at night to assess usage, local views and the benefit to the night time economy. Authorities should also investigate the opportunities for sponsorship of night transport. In Scotland, exploration of these ideas must acknowledge both the concerns around city access but also remote geographical hubs.

The NTIA recommends that where existing LEZ schemes are in operation these should be reformed with minor tweaks to mitigate the damage to town centres such as offering a "pay-to-enter" scheme like ULEZ in London instead of a fixed penalty fine scheme; such as offering a relaxation on fines after certain times or on certain evenings to encourage people to use their city and town centres, and similar tweaks on things like parking restrictions and bus gates. A pay-to-enter or daily charge scheme is already a legislative option under the Transport (Scotland) Act 2019 – the tools are there to make meaningful change by way of secondary legislation³³.

A survey of NTIA members in Glasgow conducted in 2024 reported that 77.8% of businesses felt there had been a demonstrably negative impact on footfall following the introduction of LEZ. Suggestions such

31. <https://www.pressandjournal.co.uk/tip/news/6469353/aberdeen-city-centre-bus-gates-footfall-drop/>

32. <https://www.glasgowtimes.co.uk/news/24719365/glasgow-driver-calls-change-councils-overprovision-policy/>

33. See s.19, 2019 Act.

as pivoting to a “pay-to-enter” scheme, or allowing pilot relaxations (eg, that LEZ would not apply from 6pm to 6am) would give business and regulators data to understand the detriment and benefits.

Lastly, we believe that there should be a pause on any new active travel schemes or traffic restriction schemes without meaningful and collaborative working between business and the Scottish Government to ensure such policies can be co-designed to mitigate negative impact on business.

Recommendation 25: National strategy should promote diversity in the night time economy

The night time economy should be enjoyed by persons of all ages, ethnicities, genders, sexualities, means and abilities. Key current and future issues include women’s safety, LGBTQIA+ use of the night time economy, accessibility, neurodiversity, affordability and the potential of the night time economy to combat loneliness in elderly people. These are all topics which should be included in the national strategy.

Recommendation 26: National strategy should promote sustainability in the night time economy

Supporting sustainable modes of travel: Travel and transport contribute to around 80% of an event’s carbon footprint but in most of Scotland public transport provision at night falls well short of the levels required to adequately service the night time economy. The national strategy should work with local governments to significantly increase the availability of public transport at night. The night time economy will always be willing to collaborate with the Scottish Government and Local Government to find ways of incentivising sustainable modes of travel and public transport use to support a layered approach which is underpinned by the core aim of getting people in to and accessing the places where night time activity occurs, then getting them home again safely.

Promoting energy and water efficiency in the night time economy: Decarbonising operations should be a priority by purchasing renewable energy and finding opportunities to generate onsite renewable energy or connect to district heat networks. Knowledge of best practice should be shared within the industry to enhance energy and water efficiency and make use of efficient technologies such as closed loop heating and water systems, greywater and rainwater capture and LED lighting. The national strategy should advise on and promote practices and schemes to ensure that the night time economy plays a full role in achieving the UK’s sustainability and net zero objectives.

- Supporting active and sustainable modes of travel: Travel and transport contribute to around 80% of an event’s carbon footprint. The national strategy should work with local governments to improve the safety, access and availability of public transport and active travel routes at night. The night time economy will always be willing to collaborate with the Scottish Government and Local

Government to find ways of incentivising sustainable modes of travel and public transport use to support a layered approach which is underpinned by the core aim of getting people in to and accessing the places where night time activity occurs, then getting them home again safely.

- Promoting sustainable food and drink and adopt sustainable waste management practices: The night time economy should work with suppliers to source sustainable food and drink options where possible e.g. working with local suppliers to reduce transport emissions, sourcing ethical, seasonal and local food for catering and avoiding food waste and redistributing surplus food. Venues may consider introducing carbon labels to food and drink to encourage customers to make sustainable choices. In addition, the national strategy should promote the circular economy and work to eliminate single use plastic from the NTE by reducing packaging and introducing reusable cup schemes where safe to do so and where this is not in conflict with licence conditions. The night time economy should adhere to responsible waste management practices to ensure maximum capture of recycled materials and work towards zero waste to landfill.

Recommendation 27: Drug testing should be piloted and tested in town and city centres

Licensing drug consumption rooms have now been approved in Glasgow.

In a similar vein, to promote public safety, drug testing facilities could be explored. Home Office-licensed drug testing facilities analyse drugs presented to them to find out what they contain, including dangerous contaminants. Research shows that such facilities save lives. Importantly, drug testing organisations comprise clinicians and pharmacologists: they do not promote the use of drugs.

Drug testing services have been operated at festivals in the UK outside of Scotland for some years and also operate in some cities across Europe. For example, a city centre scheme is up and running in Bristol. Similar schemes could be explored perhaps through an unused high street premises, in key locations in Scotland.

If such schemes were deemed appropriate, the national strategy could support this in town and city centres, larger venues and festivals, with harm reduction being the key goal.

CHAPTER 8: **COSTS & FINANCE**



Chapter 8 : Costs and finance

The continuing loss of night time venues is a matter of serious concern, reducing cultural opportunities, harming local economies, diminishing the tax base, reducing employment prospects, increasing welfare payments and damaging regional tourism potential. The main reason for loss of venues is the cost of operation.

The range of costs imposed on night time venues is wide. It includes:

- VAT on food and drink
- Alcohol duties
- Business rates
- PAYE
- National insurance
- Premises licence fees
- Amusement machine licence duty
- PRS and PPL licences for playing of music

Covid and the cost-of-living crisis have caused revenue to fall across the sector whilst the Scottish Government also recognises that night time footfall in our principal cities remains at pre-lockdown levels³⁴. At the same time, rising energy and commodity costs have loaded often intolerable burdens on venues. Business closure is a stark reality. According to CGA data comparing March 2020 to March 2023, Edinburgh had lost 7.7% of its hospitality businesses, Glasgow 14.7%, and Aberdeen had dropped a staggering 18.9%. There is therefore an urgent need to reduce costs imposed by the state on venues.

The key changes which should be considered are as follows.

Recommendation 28: VAT should be reduced

VAT on food sold by pubs and restaurants is charged at 20%. In supermarkets it is nil. Supermarkets already have significant advantages over hospitality venues because they pay lower business rates than town centre venues. This disparity is inequitable, unjust and punitive. We do not advocate increasing VAT for supermarkets, which will hit the consumer. We advocate removing it for hospitality venues.

VAT on hospitality venues was reduced to 5% during the pandemic, and then 12.5% before returning to 20% in March 2022. But the current scenario is equally serious. Venues are closing. Costs are rising. Customer ability to pay is reducing. While the temporary change was welcome, the industry is not out of the woods.

34. Scottish Government, 'At the Heart of Economic Transformation', Report of the City Centre Recovery Taskforce, 31 March 2022
<https://www.gov.scot/publications/report-city-centre-recovery-task-force/>

We recommend that VAT on hospitality venues should be reduced to 12.5%. UK Hospitality suggest³⁵ that, at UK level this would create additional sales of £7.7billion in ten years, foster a 3% reduction in inflation prices based on 50% pass through, would generate a net fiscal gain for HM Treasury of £3.6billion over 10 years, and create 182,400 new jobs over 5 years.

It is also recommended that no VAT should be payable on noise attenuation works in cultural venues.

Recommendation 29: The rates burden should be reduced

Night venues tend to be in town and city centres where there is historically good public transport and footfall. They are community hubs, and together form part of the cultural offer and identity of the town or city. But the rates burden has become unsustainable. Increasingly, they are in competition for consumer spend with supermarkets, which may locate on the edge of or even outside town and city centres, where rates are lower, or with delivery or streaming services provided from outside the town or city altogether. There is no good reason why the highest rates should be borne by those providing important customer services in town and city centres.

In Germany, nightclubs can be treated as culture venues so paying business rates at the same level as other culture venues such as opera houses. There is no reason why popular culture should be treated as less important, or worthy of national support, than high culture. Popular culture artists contribute to the Scotland's international standing, generate business and taxation revenues and are enjoyed by millions.

While the entire system of business rates requires reform, more immediate tools are available. For 2022/2023 the UK Government announced 50% relief for eligible retail, hospitality and leisure venues. This was not, however, passed on to businesses in Scotland, with the Scottish Government deciding to divert that Barnett consequential elsewhere. When the Scotland 2024 budget³⁶ was announced, this included proposed rates relief for hospitality, but the reality is that the specific proposals were relief only for islands businesses and for venues with a rateable value below 51k, which immediately banned the vast majority of city and town venues from accessing the relief.

The NTIA recommends that the Scottish Government should immediately look to instigate short term business rates support of at least 40% relief for all venues regardless of rateable value and remove the 51k cap. The Scottish Government should also offer 100% relief for the circa 200 cultural venues across the country regardless of location.

³⁵ https://www.ukhospitality.org.uk/wp-content/uploads/2024/01/The-impact-of-a-reduced-rate-of-VAT-for-the-hospitality-sector_190923.pdf
³⁶ <https://www.gov.scot/publications/scottish-budget-2025-26/finance-secretarys-statement-4-december-2024/>

It is acknowledged that local authorities have a discretion to grant rates relief to particular venues. However, there is no national guidance recommending that such relief be given to pubs or clubs, even though these are often community hubs, and no recognition within the system of the cultural benefit of late-night premises such as nightclubs or live music venues. There should be a significant overhaul of the system to ensure a long-term reform of the rates burden on hospitality, cultural and night time economy businesses.

Reform of non-domestic rates was a core objective of the Scottish Government New Deal for Business Group (NDGB)³⁷. The NTIA acknowledges that the Non-Domestic Rates Sub Group (3) of the NDBG is in a review process planned to complete in April 2025. Meaningful change is required.

Recommendation 30: A national fund for the protection of cultural venues should be established

During the pandemic, the Culture Recovery Fund demonstrated the importance of a financial lifeline, however small, for important cultural venues.

It is recommended that a national fund should be established to assist cultural venues with necessary capital works, including improving accessibility and sound attenuation. An example of such a scheme is in Berlin, where a noise protection fund provided one million euros to help venues with noise reduction works.

Recommendation 31: The government should ensure that there is an equitable business interruption insurance scheme available to all venues

During COVID, many venues which were forced to close were unable to recover their losses through insurance because of the wording of their policies. Often, the difference between recovery and non-recovery was a subtle difference in wording identified by appellate courts.

Industry efforts continue to try to ensure that such issues do not arise again.

Nevertheless, the government should consider a contributory, state-backed business insurance scheme for all businesses to ensure recovery from any future disasters requiring widespread closure.

³⁷ <https://www.gov.scot/groups/business-new-deal-for-business-group/>



FURTHER READING

From Good Night to Great Night: a Vision for London as a 24 hour city:

https://www.london.gov.uk/sites/default/files/24_hour_london_vision.pdf

Republic Of Užupis:

<http://www.uzupiorespublika.com/en/home/>

San Francisco: Policy basis for formula retail (chain store):

<https://sfplanning.org/project/policy-basis-formula-retail-chain-stores>

Dublin City Night Time Economy Strategy:

<https://www.dublincity.ie/sites/default/files/2024-10/nte-strategy-web.pdf>

Bristol Nights:

<https://www.bristolnights.co.uk/>

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