



**"the terrorism landscape has totally changed since 2014 and attacks could happen anywhere, anytime and anyplace..."**

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# IoL Regions

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# Foreword



By Sue Nelson, Executive Officer

It is humbling to be able to present this Edition with its leading article by Figen Murray - the driving force behind the Protect Duty, now known as 'Martyn's Law' in tribute of her son Martyn Hett who lost his life as a result of the Manchester Arena bombing. Many of you will have heard Figen speak (she was our keynote opening speaker on day 3 of the National Training Conference last November), and no one who has heard her story will ever forget it. Importantly, the Government has confirmed that Martyn's Law will extend to and apply across the whole of the United Kingdom and the Government will publish draft legislation in the early Spring.

Terrorism is of course a major concern with potential for disastrous consequences at any time and place, and there are others including Britain's gang culture which have similarly devastating impacts. This was shockingly illustrated by the fatal shooting of Elle Edwards on Christmas Eve in Merseyside. Dan Davies provides his insights on the issues around gang culture and what needs to be done to tackle this type of senseless violence in our communities.

Continuing with the vulnerability theme, we are grateful to Sylvia Oates for her overview of the Ask for Angela project, newly launched on its own platform and freely available to all. It is also good to hear from Dr Middleton and Dr Fletcher-Brown about the research project at Portsmouth University in relation to gender violence and inequality. It is encouraging to hear more about the important work and support provided by the Licensed Trade Charity for industry practitioners – this support is needed now more than ever.

Gerald Gouriet KC has illustrated the argument for more extensive power to adjourn summary reviews, while Tony Boulton answers questions about safer gambling on the High Street. Michelle Hazlewood from the team at John Gaunt and Partners outlines some licensing predictions for 2023, it will be interesting to see if and how these come to fruition.

Moving away from alcohol, gambling and entertainment, we have an extensive article produced by a collaboration between Phil Bates, Yvonne Lewis and James Button in relation to restricted licences for Home to School transport. This is a really important means of creating a separate category of licensed driver to enable a fast track licence process where some of the standard licence requirements on training and assessment can potentially be excluded given the restricted nature of the work to be authorised.

We hear from Natalie Harney at Naturewatch about the increasing concerns around dog fertility clinics. This is a useful opportunity to remind our readers that the LAIA guidance has been amended again by DEFRA to require that Inspectors hold their level 3 qualification by 1st April 2023 in order to continue to carry out inspection work.

Last, but by no means least, we asked David Chambers to reflect on his lifetime career in licensing. Few of us can say we have worked in licensing for as long as he has, and he has been a fantastic supporter of the IoL since the merger with SLP (which he championed). David has stepped back from his role as Board advisor (non-voting) and this felt like an opportunity to say a big thank you to him on behalf of the Board and the team, the London Region (he sat on the Executive for many years for London) and from me personally.

There have been a few challenges this year already (she says as she writes in January), and one of those, for me at least, was how to fit the fantastic articles we have been so fortunate to receive for this edition of LINK. The answer of course was simply to add more pages although we have saved some content for the Spring Edition as well...

We hope you enjoy this edition of LINK and as always, we welcome feedback and suggestions for future edition content. Please consider writing and get in touch if you'd like to discuss potential content. A huge thank you to all our contributors and advertisers for this Edition – we really appreciate your support.

# Protect duty – Martyn's law



By Figen Murray

**T**errorism, I thought, was always something that happened elsewhere abroad or maybe in London. My heart would go out to people as I watch them crying on the news after yet another school shooting in the States or a bombing elsewhere on the planet. Somehow, I was totally naïve to the fact that this could happen to us.

The day Martyn was killed at the Manchester Arena Attack in May 2017 was the day the whole world came crashing down on me. My world was suddenly filled with darkness and unspeakable grief. I often refer to myself as broken but not destroyed. That brokenness can never be mended but in those early moments, I had a choice to either allow myself to shatter into thousands of pieces and disintegrate or to stand up and continue to be there for my family. I chose the latter, and I chose to forgive the terrorist who murdered Martyn. These two decisions ultimately enabled me to take life one day at a time and gave me the strength to embark on the lengthy journey of Martyn's Law.

During a trip to a small music concert around 18 months after the attack, I realised nothing had changed in terms of security. I was startled that there was no bag search, no security check of any kind. How could this be when 22 people died in the same city not so long ago? A month later I started a petition to ask the government to bring in mandatory security at public venues. To this day security measures are only a recommendation. Given the fact that the terrorism landscape has totally changed since 2014 and attacks could happen anywhere, anytime and anyplace I feel this legislation cannot come soon enough. The need for the proposed Protect Duty legislation (known also as Martyn's Law) is higher than it has ever been. Martyn's Law is a

straightforward piece of legislation. It asks for

- people to undergo the 45-minute free of charge ACT E-Learning training to be better informed about dangers from terrorism.
- It asks for risk assessments to be carried out.
- It asks for any risks identified during this process to be mitigated.
- It asks for terrorism action plans at venues and for staff to be familiar with this plan.
- And finally, it asks for local authorities to be ready, if needed.

The Martyn's Law campaign has been going on for four years and brought with it many frustrations around delays to implement it. Covid slowed things down understandably. Further delays were caused by the party gate issue, the then Prime Minister stepping down, a new Prime Minister stepping in and stepping down shortly after and finally a further new Prime Minister starting his role.

However, during all this time regular meetings were held with the Home Office (virtual as well as face to face). Work behind the scenes carried on, the public consultation was sent out and subsequently evaluated at great length and the finer details of the proposed legislation needed a lot of work. Meetings took place



with the former Home Secretary who was incredibly supportive. As a team we voiced our concerns around capacity thresholds and penalties, both during those many meetings but also through social media. Then came the invite to meet Suella Braverman, the new Home Secretary on 12th December. Despite feeling quite poorly with flu-like symptoms (not Covid, I tested myself daily) I was keen to meet. As main campaigners Brendan Cox and Nick Aldworth came with me to this meeting.

The news we received were excellent. We achieved the threshold of 100plus capacity venues. They form the first tier which means that a lot of the staff in major cafes, restaurants, and many other places where people gather will have done the ACT E-learning training and hopefully will be skilled in life-saving methods.

The enhanced tier for venues with 800plus capacity means that all the above conditions apply, but these venues are additionally required to carry out thorough risk assessments, have a security plan in place and may have to introduce measures such as CCTV and other security systems.

These measures will be proportionate, and the government will assist with training, guidance and support, particularly during the bedding in period of the new legislation.

The two-tier system makes perfect sense, and we were told the government will inform the public through different initiatives nearer the time of Martyn's Law officially becoming a legal requirement.

The government will refer to this legislation also as Martyn's Law apart from its official name and the Security Minister's words echo in my ears "Your son's name will be eternalised as part of British history". The enormity of this simple statement took quite a while to sink in. I am incredibly pleased about this decision and feel that Martyn's death is no longer totally meaningless.

A personal phone call by the Prime Minister, Rishi Sunak on Martyn's 35th birthday followed and echoed everything the Home Secretary and Tom Tugendhat, the new Security Minister informed us about in the meeting earlier in the week. The Prime Minister reassured me I do not need to apologise when I told him that I will have to continue to keep the pressure up until the legislation is active.

It is difficult to put into words quite how the past few years have been. Life is very much divided into "before Martyn died" and "after Martyn died". Before Martyn died, I was a very busy psychotherapist running my own private practice. Before Martyn died, I was a very shy introverted person who would feel incredibly uncomfortable at gatherings of more than five people.

Public speaking would have been something utopian to me. Forward life five and a half years and I will now speak to anyone who will listen about Martyn's Law. The fear of small gatherings is a thing of the past. There is a job to be done. That job requires speaking publicly, and my fear of crowds is overshadowed these days by the need to carry out my job..... I forgot to mention that my new job description is Martyn's Mum.

# The impact of gang culture on licensed premises



By Daniel Davies

When I visited New York in the mid-1990s I took a cab from JFK to my hotel in Manhattan. During the ride the taxi driver told me of a recent event in which another driver had been shot in the back of the head by a teenage girl. This was a random, motiveless killing carried out as an initiation ceremony to gang membership. In my view successive UK governments over the past two decades have failed to recognise the extent to which American gang culture has begun to permeate gang cultures in major UK cities – particularly London, Birmingham, Manchester, and Liverpool.

The United States Department of Justice provides a very long and detailed definition of what exactly constitutes a gang, and it includes the key points summarised below:

- A group of three or more individuals
- Adopting a group identity with the intent to intimidate (This can be done by selecting certain colours, names, etc. that set the group apart.)
- Whose purpose is to engage in criminal activity to preserve their power
- Provides organization, rules for membership, protection, and meets on a regular basis

But a key factor is the glorification of violence and the escalation of the means by which it is carried out. When I

was at school in the 1970s-1980s there were often conflicts between local schools and between local council estates and these usually involved boys and fist-fights. In the late '80s and early '90s this escalated with older teenagers carrying knives and led to the knife culture that blights so many of our urban areas today. However, increasingly gang culture now involves the use of guns.

In the last six months there have been five gang-related shooting deaths in Merseyside, where I live. All of them resulted in fatalities, five of them women or girls. One of these shootings occurred only minutes away from where I operate licensed premises in New Brighton on the Wirral. It led to the death of a 26-year-old innocent female bystander, Elle



*Photo by Krzysztof Hepner on Unsplash*

Edwards - the daughter of a personal friend of mine - who was standing outside a pub at 11:50pm on Christmas Eve. The weapon used was allegedly a Scorpion sub-machine gun and police believe the shooter emptied out a 12-bullet magazine into a crowd of people, killing one person and injuring 4 others.

Until very recently this level of violence was something you read about happening in America, or London – not a village on the Wirral. The development of this American-style gang culture, which revolves around drug dealing and local turf wars creates new management problems for licensed premises. These cannot be dealt with by traditional security measures like CCTV cameras and door supervisors alone – important though these are. There needs to be a recognition by government and police of the development of an American-style gang culture and police forces locally, regionally, and nationally need to grip this problem.

In my area all the local estates had their own estate pubs – Leasowe had the Oyster Catcher and the Twenty Row – these pubs have now gone – leaving no pubs for the 13,500 people who live on the estate. Other local estates like the

Ford, Woodchurch and Noctorum have all lost local pubs over a long period of time. The consequence of this is that gang members go to pubs that are on ‘neutral ground’ – where gang members nevertheless meet up, friction can occur, and violence breaks out. This means that it is more important than ever that local licensees and their door security teams have local knowledge and good intelligence and that is shared with local law enforcement.

Now that police forces are able to grow their numbers again, they need to prioritise dealing with gang culture. They also need to do less virtue signalling and focus on hard crime. As violent crime moves off working class estates and into middle class suburbs the cry “something must be done” will get louder. Sadly, for too long left-behind working class communities have been left to get on with it and crime has become accepted as an endemic part of estate life. This can’t go on.

If we want to go out to pubs, nightclubs and bars and feel safe the burden of delivering this safety cannot just fall on premises licence holders upholding the licensing objectives. It is a responsibility for us all, but in particular for the police.

# A national Ask For Angela scheme



By Sylvia Oates, Director of Ask for Angela Community Interest Company

'Ask for Angela' is a scheme that was originally devised in 2016 by Hayley Crawford, who at the time was the Substance Misuse and Sexual violence (prevention) strategic Coordinator for Lincolnshire County Council.

The scheme is used by bars and other licensed venues to help support people who feel vulnerable or unsafe for any reason by using the codeword to identify when they are in danger or are in an uncomfortable situation. When an establishment uses this program, a person who feels vulnerable for any reason can ask for Angela, a fictitious member of the team. The (trained) team member will then help the person get home or to safety discreetly and safely by either escorting them to a different room, calling them a taxi and escorting them to it, or by asking the other party member to leave the establishment.

Many towns, cities and individual businesses have since implemented the initiative, often instigated by and supported through the local authority licensing or community safety teams, police teams, the local Pubwatch scheme or the Business Improvement District. Hayley has generously given

her time to support many localised Ask for Angela roll outs, including the very successful London-wide scheme, supported by the Met Police and the Safer Business Network/Safer Sounds.

## Supporting a national roll out

A new Community Interest Company has now been established to provide support at a national level to towns, cities and businesses to implement Ask for Angela, and to raise awareness of the initiative amongst the public, the leisure and hospitality industry, statutory bodies and other key partners.

We aim to ensure that when individuals ask for Angela, they are supported effectively and discreetly. Key to this is appropriate training that empowers team members to support and/or

intervene when someone is feeling unsafe.

Hayley Crawford has kindly agreed to act as Patron to the not-for-profit organisation. Alongside me, the directors of Ask for Angela are Iwona Kossek and James Hoffelner. Iwona and I also work at Six Till Six, the specialist leisure, hospitality and licensing consultancy company that amongst other projects also oversees the national Best Bar None scheme. Until recently, Iwona was an area manager for a large pubco and brings a wealth of knowledge of operating licensed premises and how best to support managers to implement a scheme such as this. James runs Complete Licensing, a full-service licensing consultancy, with many of his clients operating Ask for Angela. He has also had extensive hands-on experience of running late night licensed premises. I have worked in the licensed trade for over 20 years,



# ASK FOR

# ANGELA

**ALL OF OUR STAFF ARE TRAINED TO DISCREETLY HELP YOU IF YOU FEEL UNSAFE FOR ANY REASON.**

Just discreetly Ask for **Angela** to anyone who works here and they will assist you in any way they can

**SOMETHING NOT RIGHT AND NEED SOME DISCREET SUPPORT?**

**DO YOU FEEL LIKE YOU ARE IN AN UNSAFE SITUATION?**

**ARE YOU GETTING UNWANTED ATTENTION AND NEED HELP?**



For more information about the **Colchester Ask For Angela scheme** and where you can access further support and help scan the QR code or visit [ourcolchester.co.uk/ask-for-angela/](https://ourcolchester.co.uk/ask-for-angela/)



and for five years was the Chief Executive of the Nottingham Leisure BID, the levy payers of which comprised 260 premises with alcohol or late-night food licences.

## Setting up for success

The first steps we have taken include the launch of a national website, [askforangela.co.uk](http://askforangela.co.uk), that contains information about the initiative as well as a whole host of free support materials. Through a collaboration with Our Colchester BID and delivered through the Home Office Safer Streets 4 funding, a workbook has been developed that guides the manager of a premises through the process of setting up a response to anyone that is vulnerable within that premises. This can be printed off and completed and helps the manager to think through the most appropriate ways to support a vulnerable person based on features or limitations of their specific venue and operation. This is coupled with a worksheet which requires team members to fact find and answer questions around the business-specific response that has been developed, which familiarises that team member with the process of how to support a vulnerable person in that specific venue.

As a team, we were keen to create materials that could be used independently or combined with other training approaches, given the challenges facing the industry at the moment. Many businesses are struggling with staff shortages and/or high staff turnover, so for many it is impractical to commit team members to hours of training right now – although the website also signposts businesses to industry specific training providers for those that do wish to invest in more comprehensive training.

We hope that the self-guided workbooks and worksheets provide a low resource intensive route to ensuring that everyone in a premises knows what to do if someone asks for Angela or is vulnerable.

The workbook and worksheets are also accompanied by a poster for back of house areas which reminds the team what to do if someone is vulnerable, together with A3 and A4 posters that can be printed out free of charge and displayed in customer areas to promote awareness that the premises operates Ask for Angela, and what the initiative is.

In order to address the concern that some individuals reported that they thought the scheme was only available to vulnerable women, the national materials have been created in a neutral colourway, to help make it clear that anyone who is vulnerable can use the code phrase to indicate that they would like some discreet support. There is a national logo for the scheme for the first time, which shows a speech bubble with the code phrase being whispered, which will be free for anyone to use to promote the initiative.

Through the website, it is also possible to purchase pin badges that can be given to individuals that are trained in the initiative, window stickers, branded lanyards and other promotional materials to advertise the scheme.

## Ask for Angela ambassadors

To support the raising of public awareness of Ask for Angela, the national CIC has set up an 'Ask for Angela Ambassadors' programme, which seeks to recruit individuals to show their support of the scheme in a number of ways. For those in the public eye, the scheme hopes the ambassadors will use their status to promote awareness. For those in the industry, there is another really important role that ambassadors can play.

With staff challenges across the industry, it can be hard to ensure that all staff are consistently trained and aware of how to support a vulnerable person. We are therefore asking Ask for Angela ambassadors that, where they see the scheme advertised, they ask team members about it and feed back any identified training opportunities

to the national scheme, who will then contact the venue and send them free training resources. We hope this will increase awareness and the success of the scheme.

Once an individual agrees to be an ambassador, they are given a branded pin badge to wear where possible, which we hope will prompt questions about the scheme.

## Future ambitions

We see Ask for Angela as a useful framework to support businesses to think through their response to anyone that is vulnerable in advance of such an incident occurring, and therefore reducing any negative impacts on individuals that find themselves in an unsafe situation for any reason. As such, we believe it could be rolled out more widely than the night-time and hospitality sectors. We have already seen traffic wardens in Oxfordshire trained in Ask for Angela, and there is no reason that it couldn't be adopted by the retail and transport sectors, for example.

With the challenges facing businesses in recent years, initiatives like Ask for Angela could help to increase customer confidence in going out and socialising safely in the leisure, hospitality and night-time sectors, and provide the perfect opportunity to show how hard the industry works to provide a safe, enjoyable environment to enjoy.

If you would like to become an Ask for Angela ambassador, or to get support in implementing the scheme in your town, city or business, please email [info@askforangela.co.uk](mailto:info@askforangela.co.uk).



Share your trip → Driver profile →  
24/7 customer support → Driving  
hour limits → Speed limit alerts →  
Phone number anonymization →  
Safety toolkit → DBS background  
check → PIN verification → Real  
time driver ID check → Driver  
face covering verification →  
Door to door safety standard →  
Covid-19 checklist →  
**Safety never stops**

# Researching gender inequality and violence against women and girls



By Dr Judith Fletcher-Brown and Dr Karen Middleton, Portsmouth University

## Socially responsible firms can make a difference in preventing violence against women and girls

The fear of being unsafe at night and the escalation of violence experienced by many, places women and girls in an inequitable position in society. The tragic deaths of women, such as of Sarah Everard, Sabina Nessa, Bibaa Henry and Nicole Smallman, Julia James, Gracie Spinks and Bobbi-Anne McLeod, have kept the issue of violence against women and girls (VAWG) in the public consciousness. VAWG is committed mostly by men. According to the 2019/20 Crime Survey for England and Wales, in 84% of sexual offences the victim was female. Women and girls should not be fearful of being attacked in public places on a night out but sadly the fear justifiably remains. Much of this behaviour has been both created and maintained by the media, such as portrayals of women as sexualised and subjugated objects in advertisements and film texts, and the poor regulation of social media content. All of which contributes to a culture that normalises VAWG and misogyny in young men, evident in their behaviour on nights out when laddish behaviour may over-spill into violence.

## Ongoing regulations

Whilst statutory regulations recently introduced to dissuade men of pursuing such acts are welcome, real cultural change is needed curb nuances of violation of women's right to safety. As a key starting point, however, this legislation includes the 'The Voyeurism (Offences) (No. 2) Bill' in UK law, known as the "upskirting bill." It has made taking sexually intrusive photographs without permission a criminal offence punishable by up to two years in prison. The Act was brought about after relentless lobbying by Gina Martin, a woman who quite simply had had enough of men interpreting her presence as an invitation to exert unsolicited sexual behaviour towards her.

## Consumers are taking action

Gina is one example of how women, who make up a significant proportion of consumers in the evening and night-time economy (ENTE), are becoming increasingly organised and mindful of concerns about their own safety. An online demonstration and nightclub and bar boycott against the issue of drink spiking held by UK university students in October 2021 amid alarming evidence of needle spiking, successfully put pressure on some ENTE businesses to provide resources to help keep women safe. These resources may include specialist VAWG staff training, on-the-door searching, provision of



Photo by Efen Barahona on Unsplash

rest and retreat areas, safe transport schemes, and 'spikey' bottle stoppers to reduce drink spiking. The demonstrations have also resulted in greater impetus for bar and club safety accreditation schemes launched by various stakeholders, including Police, local councils and third sector organisations. Whilst women have been working hard collectively to keep themselves and others safe on nights out, private firms in the ENTE have significant capacity to address the problem by taking greater responsibility for changing harmful, normalised attitudes towards women that are often expressed in their own environs. In particular, they have the potential to take advantage of their cultural platform to send clear messages about inappropriate and harmful behaviours, while maintaining robust standards of care towards their patrons. The United Nations (UN) have called for businesses to align their work to the 17 UN Sustainable Development Goals; to strategically align their own market goals with the interests greater societal good, one of which is Goal 5: Gender equality. However, to date, few ENTE businesses have taken up the challenge to address gender justice issues they themselves have played a part in creating. One recent exception is Absolut Vodka's advertising and social media campaign, #SexResponsibly, which helped spark conversations on the role of consent in safe, healthy sex whilst drinking.

## Research project

In order to contribute towards future change, University of Portsmouth researchers, Dr Judith Fletcher-Brown and Dr Karen Middleton wish to openly engage with the ENTE community and general public to better understand the root causes of these long established, attitudes, stereotypes and systems that perpetuate gender inequality and men's violence against women. For instance, how are deviant attitudes and behaviour towards women who socialise within night-time spaces being prevented? What do people working in the industry believe could be possible solutions based on their own experiences. The research project aims to advance the potential of businesses to work more closely with consumers, other ENTE community stakeholders and the Police to offer solutions for the prevention of VAWG.

The project would benefit enormously from input from anyone working in the ENTE hospitality industry, including those within licensed premises and takeaways, late night transport and emergency services. First-hand accounts from those who have intervened in violent situations, or just accounts of personal experiences in terms of vulnerability in the ENTE are all very welcome, and anyone who would be interested in participating in this study should contact Project Research Assistant, [harriet.roxborough@port.ac.uk](mailto:harriet.roxborough@port.ac.uk).

# An argument for a more extensive power to adjourn Summary Reviews



By Gerald Gouriet KC, Francis Taylor Building

In an ideal world, statutory tribunals with the responsibility of deciding applications made to them would have discretion to “do the right thing” when procedural issues arise, on a case-by-case basis. In the far-from ideal world of licensing regulation they do not have that luxury – a realisation driven home to me in a couple of summary reviews I was involved in shortly before and after Christmas.

Section 53A(2) of the Licensing Act 2003 provides that on receipt of an application for summary review of a premises licence, the relevant authority is required (a) within 48 hours of receiving the application to consider whether it is necessary to impose interim steps; and (b) within 28 days to review the licence under section 53C. The clear parliamentary intent is that if alcohol-licensed premises are associated with serious crime and/or disorder, then a review of the premises licence should take place without undue delay. But what if the rigid limit of 28 days does injustice to either or both parties to the review? What if the last-minute service of evidence leaves insufficient opportunity for a considered response? What if the very haste of getting everything together in 28 days undermines the licensing objectives? There should be power in the licensing authority to adjourn the section 53C hearing when it is in the public interest to do so - but there is not.

Even if the police, the licensee, and all interested parties want an adjournment, the licensing authority has no power to give them one.

That, to my mind, is deeply regrettable.

The general power to adjourn a licensing hearing is given by regulation 12 of [The Licensing Act 2003 \(Hearings\) Regulations 2005](#) -

12 (1) Subject to regulation 13, an authority may—

- (a) adjourn a hearing to a specified date, or
- (b) arrange for a hearing to be held on specified additional dates,

where it considers this to be necessary for its consideration of any representations or notice made by a party.

As originally drafted, regulation 13 provides that a licensing authority may not adjourn a hearing in two situations, neither of which is relevant to summary review proceedings. But on 27 August 2007 The Secretary of State laid [The Licensing Act \(Summary Review of Premises Licences\) Regulations 2007](#) before Parliament. The Regulations came into force on 1 October 2007. My search of Hansard indicates that the Regulations were not debated. Regulation 3(6) amends regulation 13 of the [Hearings Regulations](#) by the addition of a third situation in which an adjournment of a hearing is prohibited: The amended regulation 13 reads (so far as material) -

13. An authority may not exercise its power [to adjourn] in such a way that the effect will be that –

- (a)...
- (b)...



(c) it would fail to reach a determination on a review under section 53A (summary reviews on application of senior police officer) within the period specified in subsection (2)(b) of that section.” – i.e., 28 days.

An Explanatory Memorandum to the 2007 Regulations explains that the amended regulation 13 aims “to strike a balance between the need to ensure the expedited procedure works efficiently, and to ensure that the rights of the parties to the procedure are protected.” That is a legitimate, and wholly understandable, aim. But the failure to build-in a slip rule of some kind, dependant on the usual factors – that no one is prejudiced, that the interests of justice so require, or imply that that the parties agree – is unfortunate.

The issues in the two summary reviews I have mentioned are ongoing, so I will say no more about them than this: the public interest would have been better served if there had been authority in the licensing sub-committees to adjourn the section 53C reviews – in one of

those cases a few days would have sufficed; in the other, there was universal agreement that a much longer period was required. The need for adjournment of a section 53C review may arise infrequently, but I have no doubt that readers of this article will have experienced their own frustration at the inflexibility of the 28-day period.

I have written to the Home Secretary raising the matter summarised above. I have yet to receive a reply or an acknowledgement of receipt.

I should add, by way of a postscript, that the regrettable restriction of a licensing authority’s power to adjourn is symptomatic of a more widespread legislative malaise - over-regulation: the misguided thinking that every eventuality can be predicted, and a rule invented to address it. Over the years I have been in practice, I have witnessed the relentless erosion of the areas in which licensing judgment can be exercised – judgement being the touchstone of decision-making! – and in its place, inflexible rules, not always thought-through, and frequently a

barrier to a sensible outcome.

Even the general power to adjourn licensing hearings is unnecessarily micro-managed: regulation 12(1) gives a power to adjourn only when the licensing authority considers it is “necessary for its consideration of any representations or notice made by a party”. Why not “when it is in the interest of justice”? As worded, regulation 12 has provoked discussions with many a licensing officer as to whether a sub-committee has the power to grant an adjournment, in circumstance in which the desirability of an adjournment is agreed by all, and the public interest shouted from the rooftops!

# Safer Gambling on the high street



by Tony Boulton, Director of Public and Political Relations, Merkur UK

## **Merkur UK: 'We agree with organisations including the Gambling Commission that safer gambling is a journey that does not have a final destination'**

The Gambling Business Group (GBG) is the leading strategic body representing licensed gaming operators on the high street. GBG member Merkur UK is recognised for having set the 'gold standard' for safer gambling on the high street courtesy of its 360 Social Responsibility Program. Tony Boulton, the company's Director of Public and Political Relations explains why safer gambling is so important to the business and outlines some of the initiatives which are driving the 360 Program.

## **Can you start by providing some background to Merkur UK?**

We are part of the family-owned Gauselmann Group of companies which is a global enterprise employing 14,000 people worldwide. In the UK, where the workforce numbers circa 2,500 Merkur brands include Blueprint Operations which manufactures and distributes the latest digital gaming machines, Regal Gaming Technologies – which operates gaming machines, juke boxes and pool equipment in the pub sector and our two consumer-facing brands, Merkur Bingo and Merkur Slots – which is one of the most popular low stake low prize high street entertainment centre brands on the high street. Merkur Slots has a broad customer base attracting an equal balance of both men and women. Our venues fulfil an important community role: they are places where people meet with their friends, where the staff know their customers by their first name, where they feel comfortable and where they can enjoy safe and responsible gambling entertainment. We employ local people, support local supply chains and attract customers from the community.

## **What is the Merkur UK approach to safer gambling?**

Safer gambling is an 'all in' commitment – it's impossible to practice it on a part-time basis. When we launched the 360 Program, we went on the record to say that we wanted to be the very best exponents of safer gambling in our sector. You can only achieve this by being 100 percent committed which means extending awareness and protocols throughout the Group – even to the teams who do not have contact with machine players. We see safer gambling as being something that a business and its employees practice every minute of every day and which can be broken down into a programme of tangible actions supported by a culture that every member of the team at every level of the business commits to.

## **How do you ensure that safer gambling is embedded in the business?**

It's crucial that the safer gambling philosophy is embraced at the very top of a company which is why the Merkur UK General Manager Sascha Blodau created an independent advisory board. It's a policy making body which meets six times a year and comprises a mix of the senior leadership team at Merkur UK with individuals who have specialist knowledge of safer gambling and the customer journey including our Customer Experience Manager Lola Wood and Pieter Remmers founder of Global Gambling Guidance Group (G4). The 360 Advisory Board plays a key role in confirming and driving Merkur UK's commitment to safer gambling and social responsibility generally. At our last meeting we discussed the progress made by Regal Gaming Technologies in trialling the latest machine age verification technology which is an important tool for establishments such as pubs where machine playing is an ancillary activity unlike for example high street gambling





entertainment centres where it is the primary reason for visiting.

### **What initiatives have you launched?**

The Merkur UK 360 Program comprises a dynamic 52-week a year commitment underpinned by an evolving programme of initiatives and investment in people. Key activities have included the launch of the Merkur Portal - a tool for in-venue staff that provides an additional touchpoint for safer gambling insight and information. We are also running a continuous programme of Customer Experience focus groups in order to gain an insight to the techniques implemented by players to gamble safely and within their means. All of our 200+ Venue Managers have undertaken City and Guilds Assured safer gambling training run by the leading safer gambling charities YGAM and Betknowmore; we undertake regular consumer surveys to measure progress and we share information and knowledge with industry bodies and competitors. Essentially, we agree with organisations including the Gambling Commission and DCMS that safer gambling is a journey that does not have a final destination: there will always be a requirement to do more which in turn underlines the importance of our 360 Program. Quite simply safer gambling is a responsibility that we take extremely seriously.

### **What processes do you have in place to test how the organisation measures up in terms of its commitments?**

When we launched the 360 Program in August-2020 we did so with a robust commitment to set new standards in the delivery of safer gambling across the entire UK low-stake

gambling sector which is why we insist that all of the brands which are part of the Merkur UK family undertake an independent audit of Responsible Gambling (RG) practices and procedures which is undertaken by the Global Gambling Guidance Group (G4) which has worked on the development of policy in jurisdictions including the Netherlands, South Africa, Germany, Belgium, Italy, Spain, Malaysia, Singapore, Canada, Malta and Sweden. The aim of the Audits is to establish best practice and identify any stress points in terms of delivering a safer gambling experience and of course putting them right. Working with the experts at G4 is another example of what we are doing as a business to identify and protect those customers who may experience problems with their gambling. Having a holistic, company-wide understanding of what safer gambling entails improves awareness and helps establish a culture of responsibility which lies at the heart of what we are working to achieve on a daily basis namely to ensure that gambling entertainment remains an enjoyable activity for all of our customers.

#### **Further information:**

<https://merkurgroupuk.co.uk>

<https://gamblingbusinessgroup.co.uk>



# Events - What's On / Online?

We are delighted to offer the following training courses which can be booked online or via email to [events@instituteoflicensing.org](mailto:events@instituteoflicensing.org)  
<https://www.instituteoflicensing.org/events>



Virtual

## Taxi Conference

18<sup>th</sup> April 2023

This one-day conference will provide a valuable learning and discussion opportunity for everyone involved within the taxi and private hire licensing field, with the aim to increase understanding and promote discussion in relation to the subject areas and the impact of forthcoming changes and recent case law.



Face to Face

## Zoo Licensing Course

17<sup>th</sup> & 18<sup>th</sup> May 2023

Bristol South West

A super two day Zoo Licensing course with both practical and theory aimed at those who carry out zoo inspections and / or administer the applications. The course covers all elements of Zoo Licensing from application to inspection and the licensing process.

## Contact the IoL team

Email: [events@instituteoflicensing.org](mailto:events@instituteoflicensing.org)  
or telephone us on 01749 987 333

Virtual



## BTEC Level 3 Certificate for Animal Inspectors (SRF) GROUP 14 (173159):

25<sup>th</sup> May & 8<sup>th</sup>, 19<sup>th</sup> & 29<sup>th</sup> June & 10<sup>th</sup> & 20<sup>th</sup> July 2023

This course is the Institute of Licensing's BTEC Level 3 Certificate for Animal Inspectors (SRF). The qualification is accredited by an OFQUAL provider and meets DEFRA requirements outlined in the Regulations. The course provides learners with all the knowledge and skills they require to be able to competently carry out their duties under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Face to Face



## Summer Training Conference

14<sup>th</sup> June 2023

Cardiff, Wales

The aim of the day is to provide a valuable learning and discussion opportunity for licensing practitioners to increase understanding and to promote discussion in relation to the subject areas and the impact of forthcoming changes and recent case law. Day delegate places remaining. However if you require an overnight booking (from 6<sup>th</sup> June) you will need to contact us directly to see if there is any remaining overnight availability. Call us on 01749 987 333. Sponsorship opportunities available. Contact [sponsorship@instituteoflicensing.org](mailto:sponsorship@instituteoflicensing.org) for more details.

# Transport for individuals with Special Educational Needs and Disabilities (SEND)



By Phil Bates (Southampton and Eastleigh Councils), Yvonne Lewis (City and County of Swansea), and James Button (James Button & Co)

Local Education Authorities or LEAs (County Councils and Unitary Authorities in England and Wales) use private hire vehicles and hackney carriages to enable certain children to attend school. Those children may have special needs in the form of some disability, or may simply live in remote areas, and this is a more cost-effective method of fulfilling the LEA's transport responsibility than using a bus. Often referred to as either Home to School transport (H2S) or simply a School Run, this is a significant and growing element of the private hire and hackney carriage trade. As the vast majority of these journeys relate to children with special needs of some nature, the term "SEND" (Special Educational Needs and Disabilities) Transport is often used to cover the whole area of this activity. There are a growing number of practitioners within the trade who are including school transport as part of their services, and in many cases it is likely that school contracts are essential in boosting work to keep businesses viable.

The way the trade achieves this varies considerably. Some private hire operators deal purely with SEND transport. Some operators employ drivers to drive vehicles owned by the operator. Others use private hire vehicles or hackney carriages which they operate but do not own. Some vehicle owners work exclusively on SEND transport, using their privately owned licensed vehicle and work through an operator. In Southampton there has been an increase in applications from current private hire vehicle and driver licence holders to obtain an operator licence so they can bid for SEND work as well.

This element of the industry provides an important function by ensuring some of the most vulnerable in our society are able to benefit from their basic right to education. It is important the licensing authorities get it right. This is being made more difficult as operators struggle to recruit drivers for this type

of work with one of the biggest hurdles cited as being the licensing process.

Before we get to how we can help, we need to be aware of a couple aspects. Because of the costs involved, a SEND contract journey will cost more than a standard trip in a licensed vehicle. For this reason, it is important that licensed hackney carriages do not undertake SEND trips that are entirely within their local authority area boundary- because such a journey cannot be charged at more than the metered rate (and an offence is committed by the driver each time a greater charge is levied).

Ridiculously, the legislation has been set up so that a licensing authority must seek an enhanced DBS check for taxi drivers (private hire and hackney carriage), and that check must include a check of both the adult and children barred lists



using the workforce category 'Other Taxi driver'. However, the LEA seeking to award SEND contracts is required to obtain an enhanced DBS check for 'child work force' and that will only check the child barring list. The IoL are pursuing the government for a change but unless and until that is done, we appear to be stuck with it.

## Southampton

My local authority (Southampton) took over the administration of the licensing department of our neighbouring authority (Eastleigh Borough Council) some years ago. They had an operator that was dealing with mainly SEND contract work and they had created a restricted driver licence specifically for drivers undertaking exclusively SEND work. This allowed the driver to drive a private hire vehicle but only for the purposes of SEND work. The council's policy has since been modified to read:

At the discretion of the Head of Legal Services, a licence may be issued entitling the holder to drive private hire vehicles for private hire business purposes only when undertaking certain classification of contract work such as school or access to work contracts. Such drivers shall also be exempt from completing the BTEC qualification but shall complete a Driver Awareness course with the Blue Lamp Trust.

The restricted driver licence allows the private hire vehicle to be driven by the restricted licence holder for normal social, domestic and pleasure reasons as well as any SEND work but not regular private hire work. A simple check of operator

records shows this does not get abused.

We also have the flexibility to exempt the restricted driver from other hurdles some authorities have before a licence is granted. These drivers will do a regular route, often out of the geographic area of the authority so there is no need to undergo a topography test. They will not handle money so no need to undergo an arithmetic test.

There are other checks which may be considered unnecessary. In the case of safeguarding training, it is important to consider any requirements of the LEA (who will award home to school contracts). Driver assessments, medical checks etc., can all be considered in light of the restricted nature of the licence and the work which will be authorised.

Consideration can be given to running a restricted vehicle scheme as well which would allow any livery to be removed from the car to prevent walk ups trying to hire it. This can also be important in helping to reduce the perceived stigma for children arriving at school in "a taxi".

The restricted driver licence scheme has been a success in Eastleigh, and I am currently looking to adopt it with Southampton. The arguments I have heard against such a scheme are:

- The restriction prevents the vehicle being used for any other purpose and therefore invalidates insurances.
- Will be abused by the drivers, what is there to stop them from doing normal PH work?

A properly worded condition negates the first. Check



insurance policies do cover the remit of the licence. There is no more chance of a restricted driver abusing the licence by taking a booking unlawfully than any other private hire driver taking an unlawful booking. We use different coloured badges for restricted drivers. It is also very clearly labelled as a restricted licence on the paper document. Test purchasing and operator records checks will help to ensure compliance and uncover breaches. In addition, many of the drivers who hold such licences have no interest in undertaking any other private hire journeys. They are dedicated to providing SEND transport. A good working relationship and communication between licensing and LEAs (and operators) is critical to ensure that parties share information in relation to complaints concerning the fitness and propriety of the drivers. Some complaints will go to the school or LEA awarding the contract; some will go to the operator; and some may go to the licensing authority; but it is vital that all parties are all aware of complaints/incidents to allow a proper consideration of the suitability of the driver. Failure to do so will inevitably mean that no one knows the full picture and the licensing authority may be faced with a single complaint which might be dealt with very differently if considered side by side with additional information / complaints received by the education authority for example.

## Swansea

Restricted licences for operators, vehicles and drivers were introduced in Swansea in 2008 in response to the removal of the contract exemption that was previously contained in the Local Government (Miscellaneous Provisions) Act 1976. The Council was keen for existing businesses to continue their

SEND activity without interference or affecting the livelihood of or create undue expense for those involved. This meant, in order to continue to operate unaffected, a different level of private hire licences would need to be established. Swansea is proud to have a successful colour policy with hackney carriage vehicles black and private hire vehicles white and so the first hurdle to be overcome to absorb those vehicles which had not previously been licensed was to disapply the colour policy to this type of restricted licence. The next issue to consider was vehicle ages, and Swansea's policy was to allow restricted drivers to continue to use a specially adapted vehicle for an existing school contract regardless of its age or colour.

We initially anticipated that by 2014, all those issued a restricted vehicle licence would be incorporated into full private hire status and comply with the standard conditions of licence including colour and age, but this was not implemented due to the success of the restricted vehicle licence policy.

Restricted licence vehicles were initially issued with blue window plates, but are now provided with a full size blue vehicle plate to be displayed on the rear of the vehicle unless exemptions are granted. These plates are distinctive and are different from hackney carriage and private hire vehicle plates. In addition, vehicles that are licensed for SEND transport have identification stickers on the front doors. In the main, the restricted licensing system has worked well since implementation in 2008. There were some issues with vehicle licensing for larger ambulance type vehicles which could accommodate more than 8 passengers. With the help of the Vehicle Certification Agency, we were able to advise

those vehicle owners either to apply to DVSA to be licensed or to permanently cover the trackway in the vehicle for seats or wheelchairs to be fixed. The vehicle proprietors were advised to supply updates to the V5c logbook via the DVLA to ensure that the number of passengers suited the taxi legislation. There were significant learning curves about the size of a standard wheelchair and how tracking could be used in various ways. The process took time, but the vehicle proprietors worked with officers to achieve compliance and safety, meaning vehicles already being used in the main for the purpose of SEND transport could continue throughout.

Originally, the idea was that restricted vehicles could only be operated by a restricted operator licence, but this deemed impractical and unnecessary – why should a licensed operator be prevented from operating specialist restricted vehicles alongside normal private hire vehicles? This critical consideration of initial ideas and perceptions and communication between the industry and regulators has all helped us get to where we are some 15 years later.

Another original intention was that restricted drivers should only be authorised to drive restricted vehicles. Again, this was found to be impractical when vehicles broke down or were unavailable. Another vision hastily corrected!!! We needed restricted drivers to be able to drive ANY licensed vehicle and after another report to our licensing committee, they agreed that this was a sensible move forward but what about those drivers that might drive at night or for any purpose other than restricted work? All these concerns were raised by our Committee Members and officers assured Members that with regular compliance checks and a different colour badge issued to them to wear, it would be a success and it has been.

As previously noted, restricted vehicle licences have blue vehicle plates or a window plate if exempt, but they also display blue front door stickers with their unique licence number on if carrying out school contracts. This was requested by our schools to enable easy identification of those vehicles picking up children from their premises, and also to identify vehicles of concern if not licensed and reporting them where necessary.

Drivers are each issued with a badge to wear and from 2012 these were very different. The licensing regime moved from separate licences for private hire drivers and hackney carriage drivers to a dual licence, but at the same time we engaged with our Highways Department responsible for issuing school transport approvals and decided to work together and incorporate school transport approval into the taxi badge. Prior to this happening, should an application be received by Licensing for a driver's licence, the applicant would need to make a separate application to become a school Transport driver. Any appeals to refuse the school transport driver approval would be heard by the same licensing committee as the taxi driver's licence. It made complete sense to combine forces to assist the trade and LA staff to maintain one database using licensing criteria which was far more robust than the approval scheme in place for SEND drivers.

Firstly, the SEND Transport Department made changes to the contracts offered to those operators stating that the profiling for contracts would change to include the need for all contract holders to hold the correct hackney carriage and private hire licences. This would ensure that the vehicles, operators and drivers used on contracts would be suitably vetted and tested without a separate regime. Both SEND and Licensing Officers evaluated existing drivers and those applicants pending a licence. SEND officers were granted read only access and trained to use the Licensing database to enable them to check on existing licence holders and in case of any queries.

Going forward, Licensing officers agreed to liaise with SEND officers should relevant offences require consideration by Licensing Committee which always include a paragraph to alert Members to the fact that they will also need to consider the suitability of the driver before them as their licence could also include Home to School duties. Any drivers granted under delegated authority are notified to SEND officers via email and of course they are able to check to see if any driver is licensed via the licensing database.

The requirement for different DBS checks for those drivers who carry children in their vehicle more than 4 occasions in 30 days (outlined above) has caused concern as to whether this well-oiled machine may need to be broken up. Both the local authority licensing and SEND officers and those drivers affected are hoping that the Home Office during the Review of the DBS system currently being undertaken will see that the best solution has to be to determine the role of a 'taxi driver' a regulated activity and only one check required to enable the system to continue.



# Licensing predictions for 2023



By Michelle Hazlewood, John Gaunt and Partners

As we welcome in 2023, we can only hope that it will bring a calmer and more stable future than turbulent 2022. The nation and further world has faced its fair share of hardships such as the Ukraine War, the energy crisis, political turmoil and economic strife due to inflation and strikes. This has been felt by businesses and organisations both large and small, as I am sure you have witnessed in your own organisations. While the really big changes remain in the hands of the national Government and global influencers, for licensing we can see potential for change occurring during the course of the year. The team at John Gaunt and Partners have come up with a set of predictions for 2023 – some of which we would be thrilled to see unfold but as ever there are still many uncertainties.

## Entitlement to work

Last year we saw the first change to Section 182 Guidance since 2018. Ten elements of the Guidance have been amended and while some of these are merely administrative changes and clarifications, a couple of the changes may have significantly more impact on both operators and licensing authorities alike. We believe that the burden to check the right to work will be increasingly placed on third parties as employers as well as Licensing Authority are now obligated to undertake checks. Much of this Guidance revision reflects the change in the relationship between the United Kingdom and the European Union along with the rest of the world. We will have to wait to see if this helps or hinders non-British nationals seeking to secure a Premises Licence or a Personal Licence. This is of key importance at the moment considering that hospitality is currently struggling with staffing levels and so any further restrictions or encumbrance will be another blow to the industry and an additional burden on those working in licensing administration.

## Closure notices

At long last we have documented the implications of a Closure Notices under Section 19 of the Criminal Justice and Police Act 2001. In the past, we have seen this notice misinterpreted on many occasions by both enforcement authorities and operators. It is sometimes presumed that the requirement is that the venue must close immediately when in fact this is more of an initial notice for improvement. We predict a continued use of the S19 Notice but hopefully we will see fewer premises closing unnecessarily when they first receive it. We look forward to seeing operators and enforcement agencies working together to find swift resolution to these breaches.

## Agent of Change

Our third prediction is in respect of the Agent of Change Principle. The changes to the Guidance mean that the principle will be officially referenced in licensing and although present in the National Planning Policy framework



for some time, it confirms that any new developments are expected to be integrated effectively with existing business and community facilities. Pubs and music venues are given as explicit examples.

The Guidance states that existing businesses “should not have unreasonable restrictions placed on them as a result of development permitted after they were established.” This has become a hot topic in the press arising from the well-publicised case of the “Night and Day Café” Club in Manchester. This well-loved venue first opened in 1991, but it is currently facing a battle in appealing a Noise Abatement Notice. The notice came about following the conversion of a building into a block of flats immediately adjacent to the premises. Due to the reference to Agent of change we predict it will become a critical argument at Reviews arising from noise nuisance complaints in similar situations. This includes when residential accommodation is put into place in the vicinity of long-established venues and other scenarios where there are intervening events beyond the control of the operator.

## Virtual identification

Our next prediction is that the use of new technologies to ensure secure and lawful sales may become something that we come across more regularly in 2023. Last year we saw the development of an App for smartphones created by PASS. PASS ID cards that were issued by the Post Office, My ID and Citizen Card could be verified via this handy App by staff working at the bar. We have also seen fully digital age verification trials which would remove the requirement for young adults to carry Passports, Driving Licences or PASS Cards – in turn this could prevent identity fraud crimes which sometimes comes about following the loss of an individual’s passport. We are moving into a time where almost everything is being made digital, whether it is Clubcards or rail passes, so it makes sense for formal identification to be next. However, formal amendment of the Licensing Act 2003 will be required to move away from the currently specified forms of ID so we cannot see this occurring immediately. There will need to be a desire within central government to bring this in to everyday public use. Also, this trial did raise some issues, including that there was a very low take-up of these Apps at the time and other factors such as WiFi signal and phone battery proved to be a hindrance.

Alongside these newfound ID systems, there are technologies being developed that estimate the age of the person using self-scan checkout facilities. However, the accuracy of this new artificial intelligence was found to be sensitive to a number of environmental factors which often impacted its reliability. This included the quality of the light in the area where the assessment was taking place and disappointingly, there was no evidence that this system

improved the processing time for the queue either.

All in all, this change may not take place this year but on a more optimistic note, in this day and age technology and software is advancing at a rapid pace and it may be that these systems are soon improved to the stage where they would be suitable for public use. You never know, we might very soon even see pop-up bars at a festival where a customer can self-serve their pint and be age checked without any human intervention whatsoever. Dystopian huh?

## The high street

I believe both Local Authorities and the Government have really honed in on the value that hospitality brings to our town and city centres since the pandemic. We predict that we may see a level of relaxation in Licensing Policies as they fall due for renewal. Glasgow City Council has already raised the suggestion of changing operating rules, which would allow a premises to open for an additional hour until 1am. This is quite a change in position regarding operating times and it would be interesting to know if the Convener of the Licensing Board and Board members hold the same view as the Council Leader, Susan Aitken, on this matter. Glasgow City Council said that: “An additional hour of trading could encourage patrons to remain out for a short period of time, thus further contributing to the late-night economy.”

However, it is not only the cities that have the potential for a thriving late-night economy. As the Government calls for the resurrection of the high street, recent data released illustrates that footfall may actually be falling in the city centres but increasing in the local townships. In turn, this might cause the Late Night Levy to be scrapped as the usual expected level of police resources may not be needed in the formally designated areas. This shift in business may also mean we see more focused Cumulative Impact Areas arising in suburban location. It could be that the potential for crime moves where the customers move. Such cultural changes could require a whole reworking of police deployment during the weekend period when resources have historically been targeted at city centres and not smaller towns.

2023 has plenty in store for Licensing and while we can never fully plan ahead, we can anticipate what is to come and continue to adapt with the times. Doing what is best for our local areas is of great importance, and I hope that this year will kick off an era of recovery and success for hospitality within our towns and cities.

# Canine fertility clinics



By Natalie Harney, Naturewatch

## Introduction

If you're involved in animal welfare licensing, you've probably come across – or, at least, heard about – canine fertility clinics (CFCs) in recent years. The number of CFCs has grown rapidly across the UK since 2019, and there's now a growing sector dedicated to providing assisted breeding services to people who breed dogs. Some clinics are registered as veterinary practice premises and have RCVS-registered vets and nurses within their staff. However, the majority are operated by lay people and are neither registered with, nor overseen by, a regulatory body.

### What are canine fertility clinics?

CFCs come in all shapes and sizes, but what they tend to have in common is they advertise at least some or all of the following assisted breeding services for dogs:

- Canine artificial insemination
- Ovulation testing (either progesterone testing and/or vaginal cytology)
- Ultrasound pregnancy scanning
- Semen services, such as collection, analysis, storage and/or shipping

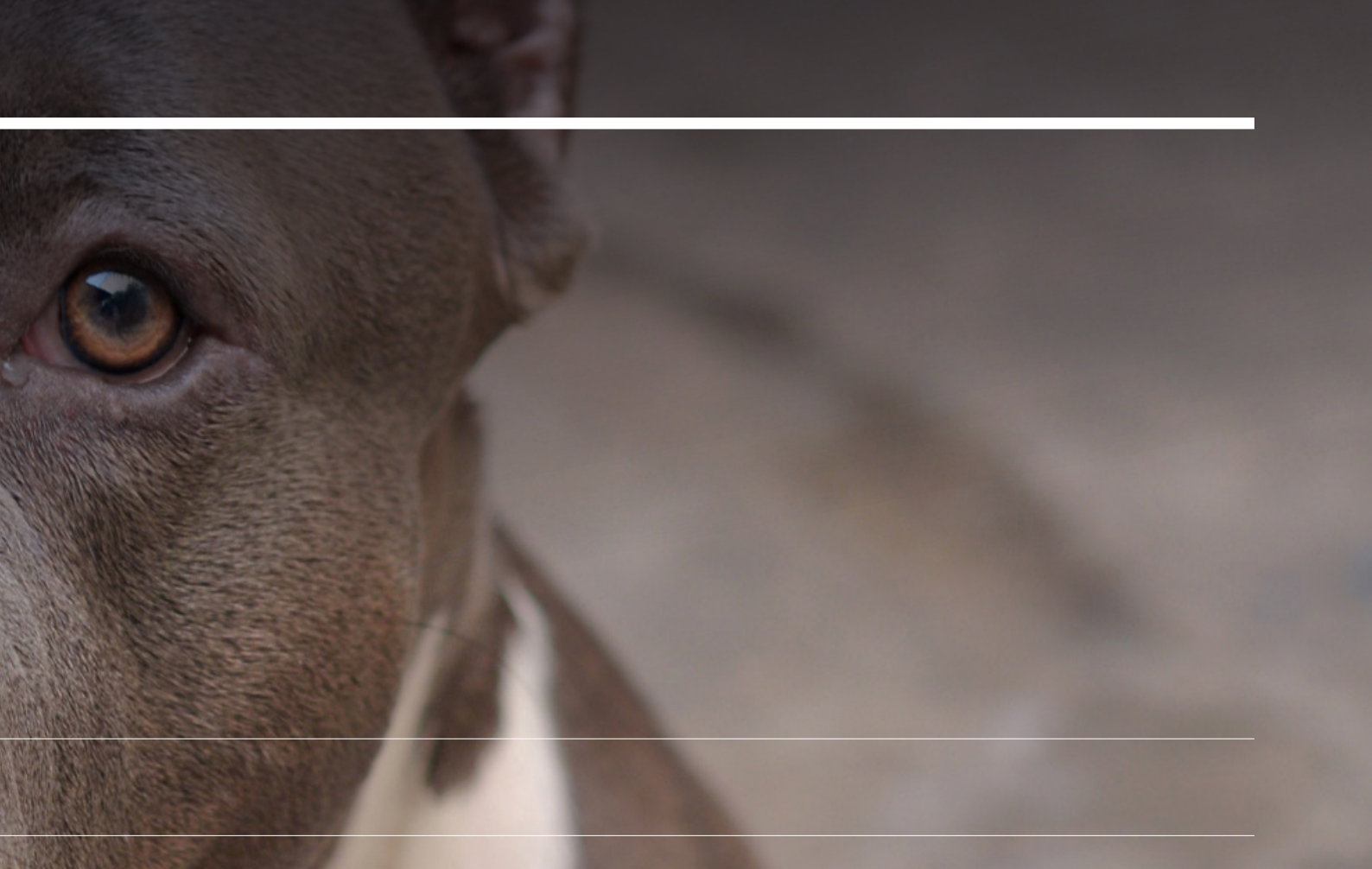
Many clinics offer other services for clients, and these can range from microchipping, to whelping support, to providing their own male stud dogs for breeding purposes, amongst others.

### Why are people concerned about canine fertility clinics?

Whilst there are some genuine specialists in the sector, there

are a number of reasons why people are concerned about the growth in CFCs and their implications for dog welfare:

- Lack of dedicated regulatory oversight – at least some of the activities and services that CFCs provide are subject to regulation, but there is no dedicated or overarching regulatory regime for this kind of business. This means that clinics and personnel that are not registered with the Royal College of Veterinary Surgeons (RCVS) are not accountable to a particular regulator and are operating to an unknown standard. This is despite providing clinical services, advice about breeding and aspects of canine reproductive health, and potentially having a hand in the production of many litters of puppies.
- Lack of veterinary involvement – the majority of clinics are operated and staffed by people who are not registered veterinary professionals. Concerningly, some clinics advertise procedures that are acts of veterinary surgery. However, only registered veterinary surgeons may lawfully practise veterinary surgery unless an exemption applies for a particular procedure. Registered



veterinary nurses may draw blood under the supervision of a veterinary surgeon, but unqualified lay people should not be taking blood from dogs. Defra has recently confirmed that, "Under the Veterinary Surgeons Act 1966, only veterinary surgeons are permitted to perform canine artificial insemination. Any non-vet undertaking canine artificial insemination, including the taking of blood samples, is therefore in breach of the Act."

- Low welfare and unethical breeding decisions – perhaps of greatest concern is the sector's association with low-welfare breeding. Many clinics' social media pages display photos of dogs they have helped clients to breed from who animal welfare professionals would consider to be unsuitable for breeding due to their extreme physical features. Dogs with very flat faces, extremely baggy skin, or exaggerated body shapes are the norm in this sector, and it's these types of dogs who typically struggle to mate or give birth. It's widely accepted that assisted breeding procedures, such as artificial insemination, should not be used to overcome a dog's physical inability to mate or whelp. Rather than educate and turn away clients with unsuitable dogs, though, a large portion of the sector is catering to people who breed dogs who would struggle to reproduce without human help.
- Illegal supply of veterinary medicines – under the Veterinary Medicines Regulations 2013, there are several categories of veterinary medicines, each with varying degrees of restriction over who can lawfully supply them. For instance, veterinary medicines categorised as POM-V may only be prescribed by a registered

veterinarian following their clinical assessment of the animal in question, and may only be supplied from either a veterinary practice premises (VPP) or a registered pharmacy. However, there are accounts of non-vets supplying POM-V medicines, such as oxytocin, antibiotics and other prescription-only vet meds, from CFCs. The reckless supply of these products poses risks to both animal and human health.

- Welfare impacts – some veterinary professionals have seen welfare impacts from CFCs in practice. During a recent survey by Naturewatch Foundation, some vets and vet nurses gave specific examples of welfare concerns they had encountered, such as female dogs presenting with diseases that had been misdiagnosed as pregnancies by fertility businesses. Overall, 98% of respondents said they were concerned about CFCs, with 80% saying they were 'very concerned'.

## What can licensing professionals do?

Operating a canine fertility clinic is not a licensable activity in itself, but there are things that licensing professionals can do if they have concerns about a canine fertility business that they encounter in the course of their work:

1. Animal welfare – enforcement of the UK's Animal Welfare Acts can vary across local authorities. However, local authorities may appoint their own inspectors and can bring prosecutions for welfare offences. If you receive welfare reports from the public about a CFC, your authority may be able to investigate and take action if it

has the necessary resources available.

2. Acts of veterinary surgery – if the business is taking bloods or advertising or performing services that are, or could be, acts of veterinary surgery, check if it and any of its personnel are registered with the RCVS at [findavet.rcvs.org.uk](http://findavet.rcvs.org.uk). If not, you may wish to speak with your local Trading Standards team about potential consumer protection issues and/or breaches of the Veterinary Surgeons Act 1966. The RCVS regulates registered veterinary professionals only and so cannot take action against non-vets performing veterinary surgery illegally, but may be able to provide advice or support to enforcement agencies.
3. Dog breeding – if the business is directly involved in breeding and selling puppies, check if it has a dog breeding licence. Some clinics undertake their own breeding and selling, and/or provide their own male dogs for stud services. Depending on the nature and extent of their activities, this could bring them within the scope of dog breeding licensing.
4. Supply of veterinary medicines – if the business is supplying or prescribing veterinary medicines, check if the staff are appropriately qualified and that the premises is registered with the relevant body. Visit [gov.uk/guidance/retail-of-veterinary-medicines](http://gov.uk/guidance/retail-of-veterinary-medicines) for more information about the supply of veterinary medicines. If you have any concerns about the supply of veterinary medicines by a CFC and potential breaches of the Veterinary Medicines Regulations 2013, contact the Veterinary Medicines Directorate (VMD) via [enforcement@vmd.gov.uk](mailto:enforcement@vmd.gov.uk).

### Is regulation on the horizon?

Veterinary law already regulates the practise of veterinary surgery and the supply of veterinary medicines. Any CFC involved in these activities should be complying with that framework, and should therefore be operating with appropriately qualified people from appropriately registered premises. The existing veterinary framework does not capture every service or activity that a CFC may provide, however, and the Veterinary Surgeons Act 1966 in particular needs reform.

The Scottish Government has announced it will consult on licensing canine fertility clinics (and several other animal care services) under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 this year. A date is yet to be announced, but any licensing professionals with an interest in CFCs and/or dog welfare are encouraged to look out for that consultation and submit their views. Visit [consult.gov.scot](http://consult.gov.scot) to sign up for updates.

It remains to be seen how other UK nations will respond to the challenges posed by CFCs. However, Naturewatch Foundation is working with partners across the sector to keep

the matter firmly on the animal welfare agenda. Read more at [naturewatch.org/fertilityclinics](http://naturewatch.org/fertilityclinics), where you can also find links to our social channels and information about how to sign up for updates about our work.



# BTEC Level 3 Certificate for Animal Inspectors (SRF)

## COURSE DATES:

GROUP 14 (173159): 25 May & 8, 19 & 29 June & 10 & 20 July 2023



The IoL's BTEC Level 3 Certificate for Animal Inspectors (SRF) is accredited by Pearsons, an OfQual Awarding Body.

The course will provide learners with all the knowledge and skills they require to be able to competently carry out their duties under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The course includes 5-days of training delivery, and learners are required to complete written submissions and practical inspection assignments which are evidenced within their learner portfolio. Learners have 12 months to complete the course following enrollment, and additional tutorial sessions are available if needed.

## Course Modules

Course content includes:

- Legislative overview
- Dog breeding
- Premises that hire out horses
- Home Boarding
- Kennel Boarding
- Day care (dogs)
- Premises that sell animals as pets
- Premises keeping or training animals for exhibition and dangerous wild animals



For more information on course dates and to book a course please contact the team via [events@instituteoflicensing.org](mailto:events@instituteoflicensing.org) or call us on 01749 987 333

# A working life in licensing



By David Chambers

I came into licensing by accident or divine design depending on your viewpoint! When I joined the former London County Council in 1959, I was asked to list the departments where I wanted to work in order of preference. I put Education at the top and licensing at the bottom and guess where I was allocated!

I started in petroleum licensing and actually enjoyed the experience. In those days underground petrol tanks had a nasty habit of leaking with all the risks that involved. Although I was only a lowly clerical officer, I had a motor cycle and was called on to race the detection equipment to the nearest inspector and then assist him as he required. Quite exciting at times! In the fullness of times, I was promoted to vehicle licensing and became quite expert in detecting altered MOT certificates. Having passed the necessary exam, I was then promoted into vehicle registration a job I thoroughly enjoyed.

When in 1965 the LCC was replaced by the Greater London Council I was headhunted back to Petroleum Licensing. To be honest I didn't enjoy the work so much this time and in 1969 escaped to Parks Department where I spent a very happy 5 years. There was nothing better than Hainault Forest on a warm summer's day but a site meeting on Blackheath on a bitter winter's day was another matter!

In 1974, I was promoted to be Deputy Head of Entertainments Licensing and a few years later became its Head. It was while there that I got involved with persuading Parliament to strengthen the law by including provisions in GLC General Powers Bills.

For most of my time in the GLC licensing was a backwater, but this all changed when Chelsea Football Club erected an electric fence to contain their unruly fans and licensing was the mechanism to compel the club to remove it. Just a few months later the Bradford City Football ground tragedy occurred, and I was appointed chair of the GLC Safety Team. In the following 5 months every sports ground in Greater London with a stand was inspected, amid much media interest with statements and questions as a result – not - not an experience I enjoyed!


The GLC was abolished in 1985 following which I moved to

Westminster City Council, with responsibility for a whole host of other licensing functions. It was a steep learning curve and an exciting time as the Council waged war on the unlicensed sex industry. Westminster Councillors were very supportive, and I was able to include licensing provisions in a number of London Local Authority Bills and two City of Westminster Bills. This included sweeping changes to Street Trading and Special Treatment licensing laws in London.

While at Westminster the police described the West End as the "wild West" and despite some reservations from the legal department I introduced a door supervisor registration scheme using entertainment licence conditions. Later I helped promote legislation to put the scheme on a firm legal footing. I was responsible for bringing street trading at the Westminster part of the Notting Hill Carnival under licensing control and was privileged to chair or serve on a number of inter-borough working parties designed to standardise procedural rules, conditions and various practices across London. Later I sat on a joint Committee with the Local Government Licensing Forum (chaired by Professor Colin Manchester) to produce the then well-known and widely used standard entertainment licensing conditions.

My philosophy was generally that co-operation was better than confrontation and that enforcement action should be the last and not the first resort. To that end, I was very happy to work with the BII in developing the National Certificate for Entertainment Licensees – a qualification designed to improve standards in licensed venues.

Throughout most of my local government career, I enjoyed excellent working relationships with successive licensing chairs. That is not to say that we always agreed, but communication was open and professional respect paid from both parties even where decisions were taken against officer advice. In 1999 however, a new licensing chair was appointed who only wanted advice that accorded with her



“Licensing is all about teamwork and looking back I have been really blessed to have had not only a really fulfilling career but at every stage the privilege of working with wonderful and talented people”

own views. Having never been a “yes person” I continued to give my best possible professional advice. It soon became clear that we were not going to work together harmoniously, and I took the decision to opt for early retirement in July 2000 and subsequently set up my own consultancy and training company.

Business started slowly but rapidly took off and I was soon working crazy hours and travelling all over the country lecturing from Gateshead in the North to Torquay in the South. It was very fulfilling if exhausting work and in one sense, I was a gamekeeper turned poacher as I went from regulating Westminster’s street traders to representing them. Sadly, my wife developed Alzheimer’s disease and I was forced in 2014 to give up most of my work to care for her.

I was one of the earliest members of the Society of Entertainments Licensing Practitioners (SELP) later simply SLP. One of the things that attracted me to SELP was that it was broad church, open to practitioners in both the public and private sectors. I found this stimulating, profitable and sometimes challenging but always worthwhile. This contrasted with the Local Government Licensing Forum (LGLF), which was perceived to have a much narrower membership. When the LGLF became the Institute of Licensing with a view to making its own broad church approach much more apparent, it seemed illogical to me to have two organisations with similar aims competing for memberships. Consequently, I became a strong advocate for the organisations to merge.

This merger followed in 2005 and I became a director of the IoL. It has been a privilege to serve on the Board for the last 17 years, and been great to see the IoL grow from an amateurish organisation, with poor financial controls and only one part time employee to the highly professional and well respected organisation we have today. I believe I played a part in this as a director and later Board advisor and also as a member and chair of Board Committees. I would though be the first to admit that the principal credit must go to the IoL team including Sue Nelson, and Caroline Day and of course the Board Chairmen, Philip Kolvin KC, Jeremy Allen (sadly only briefly), Jon Collins and Dan Davies and Committee chairs such as John Garforth, David Lucas, Myles Bebbington

and Sarah Clover. It has been a real privilege working with them.

Failing health and medical advice led me to resign as Board advisor at the end of 2022 but I will continue to support the IoL in any way I can. I look forward to seeing the Institute continuing to go from strength to strength.

Licensing is all about teamwork and looking back I have been really blessed to have had not only a really fulfilling career but at every stage the privilege of working with wonderful and talented people far too many to name. Without them, I would not have achieved a fraction of any success that I have enjoyed.

Comment by David Lucas, East Midlands Director  
“Now is the time to say goodbye”, according to the lyrics of the song by Peter Cook and Dudley Moore. Those were the words that came to mind when we received an email from David informing us that it was with a real sense of sadness that he tendered his resignation as an advisor to the Board of the Institute of Licensing.

David has made previous attempts to leave the Board, but we were successful in our efforts to persuade him to change his mind. The reason for our reluctance to accept David’s resignation was quite simply his unique knowledge and experience of licensing in local government, combined with his willingness at all times to provide kind and considered support to his colleagues.

It is that thoughtful and balanced assistance that David has provided over many years to members of the Board, Sue Nelson and her team that will be impossible to replace.

I am therefore pleased to say that David has kindly agreed to continue to provide assistance in the future, as and when it may be required in relation to specific topics.

As Pete and Dud said: “Until we meet again, some sunny day”.

# Licensed hospitality, a sector with a wonderful focus on local community



When this country needs a place to celebrate, commiserate, a team get-together or just share time with friends and family their local licensed premises is where they go. A drink at their local pub, a meal at their favorite restaurant or a night out at a club with friends and colleagues, licensed premises are at the heart of every community.

Licensed hospitality drives local economies, employs hundreds of thousands of people and brings communities together.

Since 1793 the Licensed Trade Charity has been supporting the people who work in those licensed hospitality venues. After two of the most challenging trading years the industry has ever known it faces 2023 with even more uncertainty. Labour shortages, rising overhead costs and the repayment of covid support has the sector worried. Every licensee is having to scrutinise their income streams, costs, rotas, opening times and payment methods. They are having to adapt their offer to suit the changing behaviour of consumers, whose reduced disposable income, changed expectations and post-covid

changed behaviour when it comes to how and when they will spend their time and money, are driving the need for a superior offer and customer experience in venues.

Labour shortages across the country have driven a growth in focus on balancing the customer experience with employee experience as demand for staff outstrips supply.

While the sector meets those challenges head on, with its usual creativity, determination and a focus on customers the pressure on staff and management continues to rise. Add that to the everyday problems that life throws at us, changes to our housing arrangements, health issues, relationship changes and the support the Licensed Trade Charity has never been needed more.

The Charity offers a huge range of support. Whether you're a server or sous-chef, bartender or brewer, the charity offers emotional support, specialist practical guidance and for some, a financial grant.

The Charities 24/7 helpline, 0808 801 0550, gives callers someone to

talk to about anything at any time. Their qualified counsellors offer 'in the moment' support to callers and, subject to assessment, can set up telephone counselling sessions to help people get back on track and can offer counselling services for the children of licensed hospitality people through their partnership with Relate. That same partnership also allows the Charity to offer relationship counselling. Their information specialists can give guidance on a range of concerns including housing issues, benefits advice, money worries and funeral arrangements to name a few.

The Charity is able to offer grants to those that meet the criteria that can help individuals secure their housing, manage debts, buy essential household and educational items and afford the rising cost of living. For those who are trying to manage their finances while undergoing treatment for an illness that has prevented them from working short-term hardship grants may be available to help bridge the gap between their income and outgoings, giving the time needed to fully recover.

The Charities comprehensive website



includes a range of useful tools including help sheets on a range of topics that are free to download, a benefits calculator that can be used to ensure users are receiving all the benefits they can and access to employment support with CV writing and interview skills.

For those who leave the sector for whatever reason, retirement, health or wanting or needing to work elsewhere the Charity's support continues to be available after they leave their current employment.

For licensees the Licensed Trade Charity support services are like an employee assistance programme for them and

their staff team with two big differences, the service is offered completely free of charge to the licensee and the individuals, and secondly, they can offer grants for individuals.

The Charity make it as easy as possible to access the support and to find out more:

**24/7 Helpline**  
0808 801 0550

**Website**  
[www.licensedtradecharity.org.uk](http://www.licensedtradecharity.org.uk)

**App**  
search 'Licensed Trade Charity' and

download free from the App Store or Google Play

**Grants**  
call the helpline, 0808 801 0550, to start the application process.

For licensees who would like a pack for the staff areas at their site visit

<https://www.licensedtradecharity.org.uk/pub-pub-group-2/>

to download useful resources or request a pack in the post.

FREE Helpline  
0808 801 0550

Cost of living help

Grants

Free Counselling Service

**ltc** LICENSED TRADE CHARITY

If you've worked in the licensed trade for 5 years or more, you may be able to get help with a grant.

**ltc** LICENSED TRADE CHARITY

**ltc** LICENSED TRADE CHARITY

We're here to help!

0808 801 0550

**ltc** LICENSED TRADE CHARITY

We're here to help!

0808 801 0550

# NAFN NR3S Exemplifies Good Practice and Public Sector Collaborative Working



By Lavinia Ferguson Dean, NAFN Data and Intelligence Services, Membership and Communications Manager

The National Register of Taxi Licence Revocations, Refusals and Suspensions or NR3S, as it is more commonly known, was borne out of a partnership between the National Anti-Fraud Network (NAFN) Data and Intelligence Services and Local Government Association (LGA). With the invaluable support of local authorities nationwide, the register provided a solution for local authority (LA) licensing teams to monitor and qualify an individual's suitability to operate a taxi or private hire vehicle (PHV) in their area. Furthermore, and key to its success, it provided a way for any licensing authorities throughout England and Wales to search an individual and ascertain if their taxi or PHV licence had been revoked, refused or suspended and allow this to inform their decision-making around new applications.

NAFN Data and Intelligence Services membership consists of 98% of all local authorities nationwide and has built a reputation as a centre of excellence and provider of all public sector data and intelligence needs. As hosts of the NR3S we continue to develop the initiative that truly exemplifies best practice in collaborative public sector partnerships with multiple organisations identifying a need and working cohesively towards a common purpose.

NAFN now host and co-chair the National NR3S User Group attended by 22 LAs, Transport for London, LGA and Department for Transport. The group is open to all licensing authorities and provides a forum for feedback, technical improvements and enhancements to increase the benefits of the NR3S.

Following the initial launch, over 100 local authorities implemented the register and became early adopters. However, the implementation of the NR3S was just the beginning, as the true success story is evidenced by increasing participation with almost 300 organisations now signed up to use the register. Not only this, the introduction of the Statutory Taxi and Private Hire Vehicle Standards was followed by Baroness Vere of Norbiton, Minister for Roads, Buses and Places, sending correspondence to all Council Leaders to urge them to sign up for the NR3S to demonstrate good practice; a very welcome endorsement.

We have now recorded over 13,000 entries and over 203,000 searches of the NR3S database, which means local people in areas throughout England and Wales are benefiting

from its use. This is clear evidence that licensing teams have further enhanced their already robust decision-making by collaborating to ensure all drivers pass the fit and proper test. Fundamentally, an unfit driver previously revoked, refused or suspended, can no longer operate in an area after applying for a licence from a neighbouring borough unaware of their penalty.

Just one of the many reasons for such wide participation is the need to protect local people and safeguard some of the most vulnerable in our local communities. These people are often the most susceptible to unscrupulous drivers and may potentially become victims of fraud and crime. As a result of implementing the NR3S we have provided for wider societal benefits, with the potential to reduce other crimes perpetrated by those individuals, for example sexual misconduct with passengers, financial crimes and more.

Licensing authorities know the NR3S is the only available national database to store and search for information and data reaching back 25 years regarding Taxi and PHV revocations, refusals and suspensions – a significant amount of historical data to allow appropriate due diligence. NAFN is also the only organisation hosting a database that can facilitate cross-organisational communication, ultimately reducing fraud and increasing safety measures.

The Taxis and Private Hire Vehicle (safeguarding and road safety) Act 2022 is new legislation which states that licensing authorities must provide information in a central repository where safeguarding or road safety issues are concerned, making it a mandatory requirement for licensing authorities in England to add revocations, refusals and suspensions to a national, central register. The foresight of NAFN and its partner LGA has ensured the vast majority of licensing authorities are ready for this legislative change and already well-versed in uploading to a central register and conducting searches to assist with their statutory duty and determination relating to the fit and proper test for taxi and PHV drivers.

For more information about membership and access to the National Register for Taxi Licence Revocations, Refusal and Suspensions (NR3S), please contact [Licencehelp@nafn.gov.uk](mailto:Licencehelp@nafn.gov.uk).



# Versant™ English Language Testing

Offsite testing with security you can trust.

Looking to deliver Versant English Language testing?

With the availability of **remote monitoring**, drivers can log in from home to a securely managed, recorded and monitored platform to take their Versant English test. After the test you will receive:

- the **drivers score report**
- plus, a **remote monitoring report**, and
- a **recording** providing a record of any suspicious behaviour.

Giving you the flexibility, insight and security you need.

Contact Helen Kelly on 07392 282 844  
/ [helen.kelly@pearson.com](mailto:helen.kelly@pearson.com)

“Both Eastbourne Borough Council and Lewes District Council licensing authorities have been successfully using the Versant English Language Speaking & Listening test, along with Remote Monitoring from April 2022...The benefits to us include the saving of staff time, resource and office space previously dedicated to drivers attending the office to take the test in person and monitored by staff.”

Dean Love, Specialist Advisor  
Regulatory Services (Licensing)  
Lewes District & Eastbourne  
Borough Councils



Pearson



[www.TalentLens.com](http://www.TalentLens.com)

# Link



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Licensing

## Renewals are due on 1st April

The IoL Team will reach out to you in March regarding the renewal of your membership in April.

## Not a member?

Make IoL your professional body:

- Increase engagement with licensing peers across the country
- Network with industry, regulatory, and legal professionals
- Share information, and views
- Increase mutual understanding of licensing and related issues
- Benefit from:
  - 12 Regions covering the whole of the UK
  - Bespoke Training
  - Regular eNews updates
  - Professional publications including the **Journal of Licensing** and **LINK Magazine**

If you have any questions please email [membership@instituteoflicensing.org](mailto:membership@instituteoflicensing.org) and one of the team will be happy to assist.