



**Festival and event licensing:
‘We’re applying for a venue
that doesn’t even exist yet’**

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IoL Regions

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Foreword



By Sue Nelson, Executive Officer

Welcome to the 20th Edition of LINK and the first edition for 2024!

As always, we have some fantastic articles in this edition. Rob Dudley and Yasmin Galletti from We are OPS talk us through the challenges of large event licensing noting the importance of SAGs and the impact of local policies on application. Raj Hundal & Gemma Hood from the Home Office talk about immigration and licensing issues, while Kelly Moss from the WSTA explains the recently published guidance from the Retail of Alcohol Standards Group covering rapid deliveries. Nick Jackson from Welcome Break and Charlotte Meller from the Gambling Business Group discuss player protection, compliance, and future plans in gambling. Moving to taxi licensing we revisit taxi insurance fraud with Kevin Hocter from Horwich Farelly and Kieran Saunders from Hastings Direct, while Steve Wright MBE Chair of the Licensed Private Hire Car Association (The LPHCA) gives his thoughts on challenges, opportunities and solutions for the industry. We finish with a thought-provoking article from the Ascension Trust's Les Isaacs explaining the Bridge Watch initiative in London. Ascension Trust operates as the umbrella body for a number of initiatives including Street Pastors, School Pastors, Prayer Pastors, Response Pastors, Rail Pastors, Urban Youth Missions, the Synergy Network, the 60/40 Youth Project and the Bridge Watch Programme as well as various training programs, and are members of the Local Alcohol Partnerships Group.

This edition of LINK is a good opportunity for me to pay tribute to, and to thank Daniel Davies for the time, passion and commitment he has given the IoL in his tenure as National Chairman. The LINK magazine was his initiative, intended to provide a regular publication for our members, and to encourage articles from a wide variety of contributors in tandem with and complementing the Journal of Licensing.

LINK is only one of Dan's achievements as National Chairman. He has represented the IoL on numerous occasions at conferences and events, significantly raising our profile within the hospitality industry and giving us the groundwork for our ongoing representation at key industry events. Dan appeared before the House of Lords Select Committee on the Licensing Act 2003 in 2016 ahead of the report published in April 2017, and was invited back to the House of Lords in 2018 to speak to the Select Committee on Regenerating Seaside Towns and Communities (report published in April 2019). Dan has chaired the National Licensing Forum since he became Chairman in 2014, bringing together representatives from industry, government, police and regulators to discuss licensing issues, challenges, future developments and more.

Throughout his time as Chairman, Dan has passionately supported the IoL Team. He has been instrumental in ensuring that all team members had employment status where some had previously relied on self-employed contracts. He has regularly attended team meetings and was instrumental in establishing office provision in New Brighton which served the team well from 2017 until the COVID-19 pandemic prompted a shift back to home-based working. Under Dan's chairmanship the IoL training and event activities have increased significantly, and our membership has shown a steady growth with circa 5,000 practitioners currently included.

While Dan is stepping down from his role as National Chair, his intention is to continue to support the IoL as an adviser. A big thank you Dan on behalf of the team and the Board.

We hope you enjoy this edition of LINK and we are extremely grateful to our contributing authors who have provided some fantastic insights for us to include. It was great to be able to look back at the National Training Conference which took place in November, and also to feature our 2023 awards. Please consider contributing to future editions or send over some suggestions about topics you would like to hear more about!

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Licensing: Festivals and events

“Securing licences for festivals and events across the board remains the same. It’s how you manage relationships that makes the difference.”



By Rob Dudley & Yasmin Galletti, We are OPS

When it comes to licensing, it doesn’t get much more exciting than events. And, whether it be a 20,000-capacity music festival, a gourmet food festival on a private heritage estate, or garden parties for the world’s leading property developers, London-based event operations agency We Are OPS has enabled a wide range of concepts to come to life.

Powered by over 10 years of event industry experience through award-winning festival production company The Fair, We Are OPS delivers Operational, People and Safety services that enable over 100 events to happen each year – across the UK and further afield.

Director Rob Dudley gained his licensing experience while working in restaurants, bars and clubs in the 90s and 00s, before joining forces with CEO Nick Morgan to produce some of the UK’s biggest independent festivals. Director Yasmin Galletti completed the trio in 2016 – bringing over 18 years of experience on the night club scene in London, as well as over 13 years of experience in production, licensing, safety and community engagement across festivals, club nights and events.

So, what exactly is it like to bring such a diverse range of events to life?

“It’s a lot more work than many people imagine,”

says Galletti, “you meet an awful lot of challenges along the way while planning an event, that are completely outside of your control.

“But the result is almost always a real reward and worth all the unpredictability – the highs and the lows.”

In the last two years alone, the company secured 10 premises licences, for events ranging of all kinds.

Take Eastern Electrics, an electronic music festival which The Fair and We Are OPS began producing on behalf of Columbo Star in 2017. The teams sourced a new venue, Morden Park, securing a premises licence that enabled 17,000 festivalgoers to enjoy the event. In 2021, they took the brand back to its North-East London roots, securing a premises licence for the 20,000-capacity venue, Lee Valley Showground.

The team have subsequently gone on to source venues and secure additional premises licences for some of the most-talked-about brands of the moment, including Maiden Voyage, NTS and Boiler Room.

Ventures outside the capital include In It Together, the biggest festival in Wales taking place on a private farm in Neath Port Talbot; and RecFest at Knebworth, the largest Talent Acquisition festival



in the world, which the team recently delivered in Nashville, Tennessee for the brand's very first overseas event.

Of course, some venues are more complex to acquire premises licences for than others. For Savour, London's fastest growing food festival, the team enabled over 10,000 guests to enjoy some of the capital's most celebrated cuisine in the picturesque surroundings of the Royal Hospital Chelsea Gardens – a space which the surrounding community has huge ties to, and had only hosted a festival once in its 114-year history.

Outside of the festival world, the company supports sister agency We Are Placemaking in securing licences for a very different genre of events for property developers.

We Are OPS has, for example, secured premises licences on behalf of Grosvenor Property UK, a developer which hosts prestigious events for thousands of guests from around the world. This includes Summer in the Square in Grosvenor Square Gardens, Mayfair, and a recurring series of events in Belgravia Square Gardens – from dog shows to classic cars.

When it comes to event licensing, the team have covered all fields. Ironically, however, it is the fields that many of these events take place in that

make licensing outdoor events such a challenging process.

"We're applying for a licence to permit entertainment and the sale of alcohol in a venue that, as of yet, does not even exist," says Dudley.

Challenges with the Licensing Act

With no physical venue to discuss and inspect, securing a premises licence can seem challenging – especially when the 2003 act to implement rules surrounding the process was, as Dudley suggests, "designed predominantly with bricks and mortar premises in mind."

The team must therefore undergo an extensive process, which can take at least three months, and often - due to the nature of the applications for open public spaces – ends with a hearing before the Licensing Sub Committee.

The interim is, as Galletti explains, largely dependent on the area in which you are hoping for the event to take place. In London, for example, each borough has its own individual licensing policy - the intricacies of which come down to what kind of font, size and shade paper notices must be printed in and stuck across the area or park being requested.

“While everybody is adhering to the same Licensing Act to create the licensing policy, each area is nuanced,” says Galletti, “it’s hard as a licensing consultant for us to explain to the promoter why in one borough they can apply for a licence in perpetuity, but in another the licensing policy will only allow an annualised application.

“The process can be expensive for them, so it’s really important we give them total clarity.”

Objections

As with any licensing requests, submissions are often faced with objections – especially when the proposal is for a music festival bringing tens of thousands of people to a public park or space.

The team have noticed that most complaints tend to be around the same themes, regardless of the application. And more often than not – whether it be anti-social behaviour or ecology – they’ve encountered that theme before.

Dudley says: “They’re certainly not easy. There’s a lot of mediation needed, a lot of sometimes unjustified criticism. But it’s thoroughly rewarding when you get granted that licence.”

Galletti adds: “We are mediators. It’s a fine art trying to connect with your objectors and get them to understand the cultural value of the event we are trying to licence.



“More often than not, however, there are more local people in favour of your event than not. So, if you can spend some time in the application phase seeking out positive representations to weigh against the negative, that will give the licensing department a true view of the local perspective.

“The process for obtaining licences for festivals and events remains the same. It’s how you manage relationships that makes the difference.”

‘Caring for the community is key’

Stakeholder engagement has always been a pivotal aspect of the licensing and general event process at We Are OPS.

“We’ve come to realise the infinite value of stakeholder engagement, and have finessed this aspect of our services over the years. Making connections in advance often makes the licensing process a much more positive experience,” says Dudley.

The team strive not only to inform and educate stakeholders about the events, but integrate and provide opportunities for them – whether it be employment for local residents and businesses, partnering with charities to raise funds via ticket sales, or connecting with schools to offer mentoring schemes that encourage young people into the industry.

“It’s important to create schemes that have a genuine, positive impact in the local area, that go beyond resident tickets,” says Galletti.

At Boiler Room’s first Burgess Park show in May 2023, the team did just that. As well as liaising with two local charities – using ticket sales to raise money for Southwark Pensioners Centre, which supports older people in the area, and Mentivity, which improves social and educational outcomes for young people, the team provided Mentivity mentors with a site tour during the build of the

festival, and the opportunity to shadow a We Are OPS Operations Manager during the live event.

"Everybody on our team genuinely cares about building positive relationships with the local community," Galletti explains, "If you give people time and genuinely listen to feedback with the intention of improving their experience as a community, on the whole people respond positively to that and you can start to build relationships from there."

SAGs: A safer event for everyone

The abstract nature of licences for outdoor events makes communication with all parties even more vital. Which is where Safety Advisory Groups (SAGs) come into play - a space where local authorities, emergency services and event organisers come together to discuss the safety of a festival or event.

Dudley explains: "Unlike an indoor venue, festival sites aren't built at the time of the application. We therefore have to condition the licence so that certain aspects of safety and operational planning will be in place at the time of the event, ensuring the licensing authority is satisfied.

"We ensure that SAG liaison is conditioned as a requirement, allowing finer details of operation to be agreed at appropriate times throughout the planning process.

"There is, however, a huge disparity between local authorities," Dudley adds, meaning the size, nature, frequency, expectations, and attendance of SAGs can vary on a case-by-case basis.

So, what can local authorities do to make SAGs a positive experience?

Having spoken about SAGs at events across the industry, including the Institute of Licensing conferences last year, the team have received first



hand feedback about the benefit of attending such events – from local authorities and SAG members, as well as event organisers.

Galletti says: "Members of the council told us how useful it was to hear from festival organisers about the challenges we face when delivering these events. And it was really useful for us to hear their perspectives too. It's important for everybody in the SAG process to continue being part of the conversation."

Organisations such as Local Authority Events Organisers' Group [LAEORG] and Local Authority & Regulators' Events Expert Panel [LAREEP] are also of great value – addressing inconsistencies between authorities and working towards a more harmonious SAG process.

"Local Authorities really can stay informed by keeping up to date with these groups," says Galletti, "though there needs to be more awareness across councils about tapping into existing resources such as these."

An array of resources and online training courses are available for anyone looking to gain insight, including IOL's 'Working in Safety Advisory Groups' course in February.

"Having people on board who can consider all perspectives makes such a positive difference to the process," adds Dudley.



Licensing Reviews – Immigration Enforcement

By Raj Hundal & Gemma Hood, Immigration Enforcement

Immigration Enforcement, within the Home Office is responsible for the prevention of illegal working in premises licensed for the sale of alcohol or late-night refreshment. Immigration Compliance and Enforcement (ICE) teams conduct intelligence-based visits to licensed premises where there is a suspicion of illegal working or the presence of a wanted immigration offender. Visits may be conducted jointly with the Police and other law enforcement agencies or local authority teams.

Where illegal workers are encountered the ICE team will then refer the case to the Alcohol and Late-Night Refreshment (ALNR) Team based in Croydon to consider seeking a review of the premises licence. This is in addition to other sanctions, such as illegal working civil penalties. Penalties for employers are set to triple in early 2024, to up to £45,000 per illegal worker for a first breach, rising to £60,000 per worker for a repeat breach.

The ALNR team covers the whole of England and Wales and triage referrals against various criteria. Factors to consider include any previous visits, the number of illegal workers encountered, documentary evidence of Right to Work checks and training, and aggravating factors such as exploitation, modern day slavery and additional offences such as smuggled or illicit goods on the premises.

While the team follows published policy in deciding whether to seek a review, a case-by-case approach is always adopted. The ALNR team will

compile a detailed review pack for cases that are taken forward to a licence review. The review pack has been designed using feedback from licensing authorities and contains evidence from the visit including the ICE officers' observations, interviews with the illegal workers and their employer, and where relevant photographic evidence of working conditions, alcohol storage and evidence of smuggled/illicit goods. The review pack also includes the reasons for the review and the outcome sought.

Case study

A visit was conducted to a restaurant and shisha café in South London on 10 March 2023 where five out of seven workers on the premises were found to be working illegally. Four of the workers had no right to work while their immigration claims were being considered. One had the right to work but only in a role specified on the Shortage Occupation List, which does not include waitressing. Some of the workers admitted to working (this



included claimed trial shifts), while one claimed not to be working at all. ICE officers conducted further enquiries that uncovered staff rosters going back several months and images of an individual working behind the bar.

Remuneration varied between the group, one individual was paid £200 a month into her bank account, one received £6 an hour, another got £60 a day in cash. One had claimed to have been on a trial for two days and was unsure how much money he would receive, although food was being provided to him.

All the workers claimed to have informed their employer about their outstanding immigration claims, which the licence holder confirmed to ICE officers. The licence holder also confirmed that he did not take any documentation to check their right to work.

This case was triaged by the ALNR team and factors such as low rates of pay, the licence holder's awareness of the immigration status of employees and the high proportion of illegal workers were taken into account.

At the hearing, the licensing sub-committee considered the evidence submitted by Immigration Enforcement and the licence holder's mitigation. The committee felt that five out of seven employees on

site lacking the right to work in the UK was a clear failure to prevent crime and disorder. In addition, the committee felt that paying employees below minimum wage was indicative that the licence holder was aware that employees did not have the right to work in the UK, a matter they viewed particularly seriously.

The sub-committee did not accept that the additional conditions offered by the licence holder were adequate to address the issues identified by the visit. The premises licence was therefore revoked.

The licence holder appealed to a magistrate's court, including a plea to suspend rather than revoke the licence. The court found that the licensing sub-committee had given clear and cogent reasoning for their decision and the original decision was upheld. This decision was welcomed by Immigration Enforcement and underlines our commitment to tackle illegal working where we find evidence of it, to discharge our role as a Responsible Authority.

You can find the Immigration Enforcement guidance on preventing illegal working in licensed premises on [gov.uk](https://www.gov.uk).

Raj Hundal & Gemma Hood, Immigration Enforcement

Institute of Licensing & LGA set Licensing Committee Member Training Standard



By Sue Nelson, Executive Officer

The Local Government Association (LGA) and Institute of Licensing (IoL) want to drive consistently high standards in licensing. The Training Standards set out what the LGA and the IoL believe to be a basic level of licensing committee member training, although this does not constitute legal advice and should not be treated as such. It also signposts to additional opportunities for further development that members of licensing committees may wish to consider.

We would expect all members with a role in determining licensing matters to complete the items shown in the basic standard of training below before sitting in a determining position, to ensure they have a solid understanding of the licensing process and are able to discharge their duties to a good standard.

BASIC STANDARD


Attendance at and engagement with training provided through your local council (whether that is delivered by the council's licensing and legal officer or an external provider, such as the IoL or a legal firm). Ideally, this training should last for a full day or the equivalent held over two or three shorter sessions, although we recognise this might not be possible in all cases. This could cover a specific session on the Licensing Act 2003, a specific session on taxi/ PHV licensing (where councils have responsibility for this), an overview of

gambling licensing, as well as an overarching session which covers the core legislation, public safety, decision making and policy setting, amongst other issues. Attend annual refresher training.

Committee members who are new to licensing should review and complete the LGA's free online training resources, including the licensing e-learning module and scenario-based training videos. The LGA's councillor handbooks on the Licensing Act, gambling regulation, and taxi/PHV licensing will be helpful to councillors on an ongoing basis. The IoL also offers free e-learning training modules relating to aspects of gambling licensing law and practice.

Read and understand your council's licensing policies and familiarise yourself with your council's role in wider areas of licensing, such as animal or pavement licensing. Councillors should also familiarise themselves with the core elements of the S182 guidance, which accompanies the Licensing Act 2003, the Department for Transport's statutory taxi/PHV standards, which outline the fit and proper person test, as well as the Gambling Commission's guidance to councils.

Observe or shadow a sub-committee hearing before participating in one, or watch a video of a mock hearing. Cornerstone Barristers have produced videos which outline the key principles of the Licensing



Act 2003 and a mock hearing which considers an application for a variation of a premises licence. They have also produced similar videos which relate to taxi/PHV licensing. Some councils also livestream their hearings, such as Westminster City Council.

ADDITIONAL OPPORTUNITIES FOR FURTHER DEVELOPMENT:

TRAINING

Where councils have the budget, ongoing attendance at licensing conferences, such as the IoL's national training conference or the LGA's annual licensing conference, is desirable to hear about live issues in licensing and best practice. The IoL also run a number of courses which focus on different elements of licensing in greater detail and may be helpful for a more in depth understanding. Additionally, the LGA occasionally hosts free webinars on different aspects of licensing and will consider arranging webinars on topics suggested by our members.

Attend the LGA Licensing Leadership Essentials Course, which is aimed at Chairs and Vice-chairs of committees and focuses on how a good committee is run. This is a two-day interactive course which costs £200 (this includes the course, accommodation and meals). If councils are members of the IoL, councillors should

consider attending regional IoL meetings to hear from speakers on all areas of licensing and to network with licensing practitioners across the region. This is free to IoL members.

Sign up to receive the IoL's email updates (free subscription), which includes the latest news, and the IoL's LINK magazine and Journal of Licensing to stay abreast of key developments in licensing. Licensing updates are also issued occasionally by many legal firms such as Cornerstone Barristers, Francis Taylor Building, and John Gaunt and Partners Licensing Solicitors to name a few. These are generally free. The LGA also has a free 'Community Safety' bulletin, which covers key licensing updates.

STAKEHOLDER ENGAGEMENT

Meet with local best practice groups, such as Purple Flag, Pub Watch or Best Bar None, to understand what the groups do and the benefits they bring to the day and night-time economies.

Occasionally participate in visits with licensing officers in the night-time economy area to observe partnership working schemes in action and better understand how your night-time economy operates
Meet with local licensees to understand the challenges they face.

National Training Conference



by Sue Nelson, Executive Officer

What a fantastic time we had at the lol's National Training Conference last November!

With over 450 people involved overall, we enjoyed some brilliant, informative, thought provoking and eye opening presentations, interactive panel discussion and workshops and unrivalled networking time.

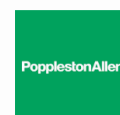
It was wonderful to meet new delegates, and welcome back familiar faces and to see everyone genuinely enjoying learning and spending time with colleagues and acquaintances all brought together with a common interest – licensing law and practice, best practice schemes and future opportunities.

A huge thank you to everyone involved. #NTC2023 was supported by so many wonderful sponsors, and their support is essential! Our speakers (over 100!) enable us to put on an unrivalled programme, and our delegates make everything worthwhile! We can't wait to see many of you again this year!

Thank you



With thanks to our



Come and Join Us!

Looking forward to #NTC2024



We are delighted to be planning our signature three-day National Training Conference for 2024, which will return to the Crowne Plaza hotel in Stratford-upon-Avon from 13th – 15 November 2024.

As always, the programme will include speakers and sessions covering the whole range of licensing and related topic areas which this event is renowned for.

We will publish the draft programme as soon as we can. In 2023 we welcomed over 100 speakers across the 3 days covering over 50 sessions including panel discussions, workshops and speaker presentations.

We look forward to welcoming new and seasoned delegates to the NTC along with our expert speakers and our event sponsors.

Early booking is always advised, and bookings will be confirmed on a first come first served basis.

The Gala Dinner and Awards night (Thursday evening) is a black-tie event and will have a set theme (theme tbc).

For more information and to book your place, please visit our website or email events@instituteoflicensing.org

#NTC2023 sponsors



il Awards

All awards are presented at the IoL Gala Dinner which takes place on the Thursday night of the National Training Conference in November annually.

Fellowship

Nominations for Fellowship can be made at any time and should be emailed to sue@instituteoflicensing.org

There is an award criteria (below) and nominations will be referred to the Board of Directors with a recommendation based on the criteria:

Fellowship will be awarded, following nomination by 2 members of the Institute, to an individual where it can be demonstrated to the satisfaction of the Institute's Membership and Qualifications Committee that the individual:

- is a member of the Institute or meets the criteria for membership; and
- has normally made a significant contribution to the Institute and has made a MAJOR contribution in the field of licensing, for example through significant achievement in one or more of the following:
 - Recognised published work
 - Research leading to changes in the licensing field or as part of recognised published work
 - Exceptional teaching or educational development
 - Legislative drafting
 - Pioneering or taking a leading role in licensing initiatives or developments leading to significant changes or having a significant impact.

It is stressed that Fellowship is intended for individuals who have made exceptional contributions to licensing and/or related fields rather than those who have simply done their jobs well.

Chairman's Special Recognition

The IoL Chairman's Special Recognition' award can be made at the discretion of the serving Chairman based on nominations from Board members. This will normally be limited to 2 awards per year and can include individuals or groups. There are no set criteria allowing each nomination to be judged on its merits.

Anyone wanting to put forward a suggestion for nomination should contact their regional chair or director.

Jeremy Allen Award

The IoL and Poppleston Allen Solicitors were delighted to announce John Miley as the winner of the 2023 Jeremy Allen Award.



JOHN MILEY

John's nomination cited his various roles in licensing over a career which started as early as 1973 when he started as a management trainee for the Grand Metropolitan, marking the start of 26 years working in the licensed trade, before joining Nottinghamshire Police as a civil support licensing officer and finally moving to Broxtowe Borough Council where he served for 20 years as

Licensing Manager before retiring in September 2023. Throughout his local authority career, John has been involved in countless initiatives and licensing groups, with roles including the LGA's Policy Forum, Best Bar None, Purple Flag, BII and local licensing officer groups. He is probably best known for his current roles as National Chair for NALEO, and Vice Chair of the IoL's East Midlands Region.

John Miley said:

"I am honoured and humbled to receive the Jeremy Allen Award. There were many worthy nominees and I was delighted to win. I would like to thank all of those who supported my nomination and I would like to dedicate the award to all of those that I have worked with within the licensing industry over the years."

IoL Chairman's Special Recognition Awards

IoL Chairman's Special Recognition Awards were presented to Suzanne Fisher, Dave Nevitt, Inspector Alan McKeon and PC Diane Park. The awards were announced and presented at the IoL's Annual Gala Dinner, last night (Thursday 16th November 2023).

With 4 recipients this year, we were delighted to announce the following Chairman's Special Recognition Awards:



SUZANNE FISHER

Suzanne was presented with the award in recognition of her exceptional contribution to the IoL West Midlands Region. In addition to her long career in licensing (she joined the licensing team in Telford & Wrekin in 1998), Suzanne has supported the West Midlands Region as Regional Secretary, a role she took up in 2006.

The IoL has been incredibly lucky with its regional officers volunteering their time and effort to bring our regions alive, and Suzanne has embodied the

regional officer role, playing an integral part of the West Midlands Regional Committee for 17 years, dedicating her time, energy and passion to the region and supporting other regional officers, all alongside a challenging role as a local authority licensing manager. She stepped down earlier this year having made the decision to hang up her licensing hat.

Suzanne's Award was jointly presented by IoL Chairman Daniel Davies and West Midlands Regional Chair Sarah Clover:

Sarah Clover, West Midlands Regional Chair said:

"Suzanne has been a vital officer for the West Midlands region for so many years now, continuously supporting the region in her role as regional secretary and providing superb support to me and other regional officers, particularly when we first joined the regional committee. She has been an absolute pleasure to work with, and we are truly grateful to her for her kindness, energy, and the long commitment she has given us all. We will miss Suzanne very much, but it is such a pleasure to be able to recognise her contribution through our Chairman's Special Recognition Award."



DAVE NEVITT

Dave was presented with the award in recognition of an outstanding career and particularly for his tireless work in London's West End stress area which is the busiest licensing area in the country in terms of the sheer volume of establishments.

Dave has just retired after 40 years' service at Westminster City Council, arguably one of the most difficult and challenging areas in the country. He served as Senior EHO and has been at the heart of most of the major licensing and planning applications in the city during this period.

Dave is known for his pro-active approach in carrying out his duties both in enforcement against poor operators and a very business friendly approach to good operators. He has always been extremely fair during licensing committee applications hearings and on applications has always presented a neutral or even positive case in support of applicants.

He possesses a phenomenal knowledge of environmental health and licensing legislation and works with operators to ensure the best possible case can be submitted on their behalf.

Dave's Award was jointly presented by IoL Chairman Daniel Davies and London Regional Chairman Gareth Hughes:

Gareth Hughes, London Regional Chair said:

"Dave has been a fantastic licensing officer for Westminster City Council for over 40 years. His approach has always been very positive and 'can do', and he has always treated applicants and licence holders with respect and courtesy, offering advice and support, with enforcement always a last resort. He is firm but fair, and as a result has earned the trust and respect of all who have worked with him. It is an honour to be able to recognise his commitment and dedication to licensing through this Special Recognition Award."



INSPECTOR ALAN MCKEON AND PC DIANE PARK

The awards to Inspector Alan McKeon and PC Diane Park follow the highly successful and nationally acclaimed 'We've got HeART' project in Wirral, an art exhibition whereby the art is produced by hostel residents who have experience of substance addiction.

Using art to engage with hard-to-reach people was originally the idea of Constable Diane Park following hostel visits when she identified the importance and potential for art within service users. With the support of Inspector Alan McKeon. The idea grew and 'We've Got HeART' project was created.

The artwork ranges from drawings to paintings, sculptures, poems, and photography. This exciting opportunity offers the artists a unique opportunity to showcase their work at a venue which is open to the public.

'We've got HeART' has received a lot of interest nationally and featured on Crimewatch. It is part of Project Adder which focuses on co-ordinated law enforcement activity, alongside expanded diversionary programmes (such as Out of Court Disposal orders), using the criminal justice system to divert people away from offending.

'We've got HeART' culminated in an exhibition opened by Merseyside's Crime Commissioner Emily Spurrell, at Daniel Davies' Oakland Gallery in New Brighton.

The awards were presented by Daniel Davies, IoL Chairman.

Daniel Davies, IoL Chairman said:

"Having worked with Merseyside police on licensing, environment, crime and ASB issues, we were delighted to host a public exhibition of the artists' work at our Gallery in New Brighton. This is a fantastic example of an initiative which has successfully engaged people at a point in their lives when engagement is critical to them and makes a real difference within the community. The results have brilliantly illustrated this, and it is an absolute pleasure to be able to acknowledge the work which Alan and Diane have put into bringing the project alive and making it such a success'.

Background

The Chairman's Special Recognition award is an annual award, presented at the discretion of the serving chairman. Nominations are made through the Board of Directors and the final decisions are made by the Chairman in consultation with the Chairman's Committee.

Anyone wishing to make a suggestion for future nominations should contact their regional director with supporting information before 1st September annually.



Large Events Conference

24th April 2024

Online via MS Teams

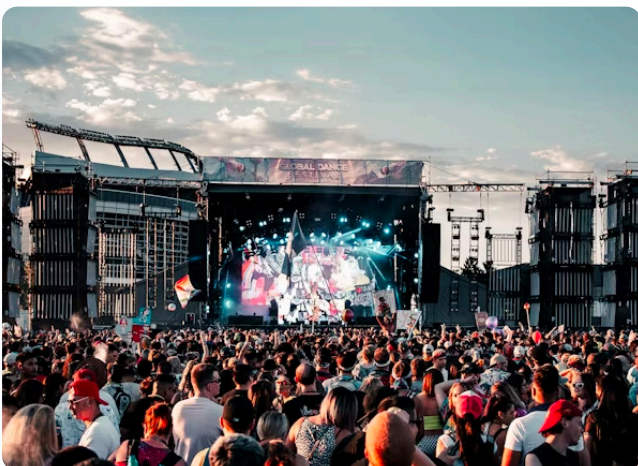
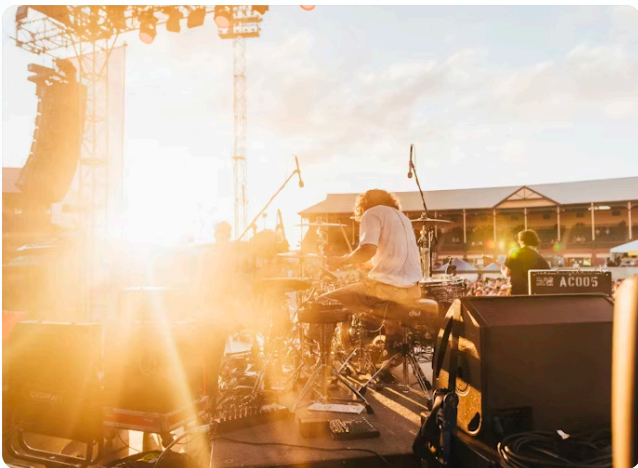
This one day conference will provide a valuable learning and discussion opportunity for everyone involved within licensing, planning and executing of large events.

With a fantastic programme of speakers we are looking forward to some indepth discussions on the potential requirements for Martyn's Law, and the questions and challenges of implementing this new law. We will hear about protective security considerations as well as hearing about the challenges of event planning and organisation and the role of partnership in the overall success which is important not only to event organisers but also the wider community.

Confirmed Speakers Include:

- Gary Grant, Francis Taylor Buildings
- Philip Kolvin KC, 11 KBW
- Jon Collins, LIVE
- UK Government Security Adviser, National Protective Security Authority (NPSA)
- John Rostron, Association of Independent Festivals

The Institute of Licensing accredits this event for 4 hours CPD. Course Ref: LEC19452



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Professional Licensing Practitioners Qualification

18th, 21st, 25th, 26th March 2024

Online via Zoom

The training will focus on the practical issues that a licensing practitioner will need to be aware of when dealing with Alcohol and entertainment, gambling, taxi and private hire, scrap metal and sex establishments. The training is ideally suited to someone new to licensing, or an experienced licensing practitioner who would like to increase or refresh their knowledge and expertise in any of the subject matters.



Acupuncture, Tattoo and Cosmetic Skin Piercing

27th March 2024

Online via Microsoft Teams

This training course is aimed at those officers who process and administer applications for acupuncture, tattooing and cosmetic skin piercing and those who carry out inspections at premises providing these services.



Caravan Site Licensing

28th March 2024

Online via Microsoft Teams

This half day training course will help prepare local authority officers for giving evidence in the Magistrates' Court. It is suitable for anyone with an appeal hearing or who is preparing to give evidence on a prosecution case.



Schemes of Delegation, Joint Working & Shared Services

16th April 2024

Virtual

This course examines how local authorities function, both internally and in relation to other authorities and organisations.

Contact the IoL team

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Summer Training Conference

12th June 2024

De Vere Grand Connaught Rooms, London

We are very excited to bring the Summer Training Conference to London on 12th June 2024.

Join us at De Vere Grand Connaught Rooms in central London for a packed agenda of hot licensing topics.

Confirmed speakers include:

- Gary Grant, Francis Taylor Building
- Paul Broadhurst/Tim Spires, Greater London Authority
- James Button, James Button & Co.

We are not offering an accommodation booking service for delegates for this event. There are numerous options in the city to meet varying prices and preferences.



Rapid Deliveries, licensing legislation and best practice guidance



By Kelly Moss, Wine & Spirit Trade Association

Rapid deliveries of groceries, fast food and age restricted products are now commonplace. We live in a digital age where most things can be ordered with the click of a button and be delivered to anyone, anywhere in as little as 15 minutes. This rapid delivery sector is a very much welcomed service in people's busy lives, offering both convenience and ease.

There is little doubt in most people's minds that rapid delivery businesses came into their own during the pandemic lockdowns, offering some an essential service at a time when restrictions were imposed on normal, everyday tasks such as shopping, that we previously and thankfully now take for granted. However, the rapid growth of this sector led to concerns that age restricted products were becoming easily accessible to minors and questions over whether current legislation was sufficient to police this sector.

At the request of government, a working group was formed to help them understand more about the rapid delivery sector and to seek reassurance that current licensing laws were appropriate – or recommendations if legislation was not appropriate on what needed to be done to make it so.

The working group completed various workstreams which are available on the Knowledge hub. However, the most prominent workstream was a Best Practice Guide for Rapid Delivery Services Delivering Age Restricted Products. This guide is available for anyone to access, for free, via the Retail of Alcohol Standards Group (RASG) website.

The Best Practice was the working groups final workstream and was devised, in part, due to issues identified when looking into potential offences under the Licensing Act 2003. To prove an offence of 'selling' alcohol to a minor there obviously needs to be a sale. To prove an offence of 'delivering' alcohol to a minor, the prosecution needs to show that a person worked on relevant premises as well as proving mens rea. It seems obvious to state that the more

people that are involved in the supply chain the harder it is to exercise control. This becomes an even more difficult task when we consider one of the two main business models identified within the Rapid Delivery sector – those businesses that facilitate sales of alcohol, who contract out the delivery element and who do not hold their own premises licence.

What is a rapid delivery business and how do they operate?

Although there are various business models that operate in this sector, the main two were deemed to be those that own, sell and deliver goods and those that offer a delivery service only.

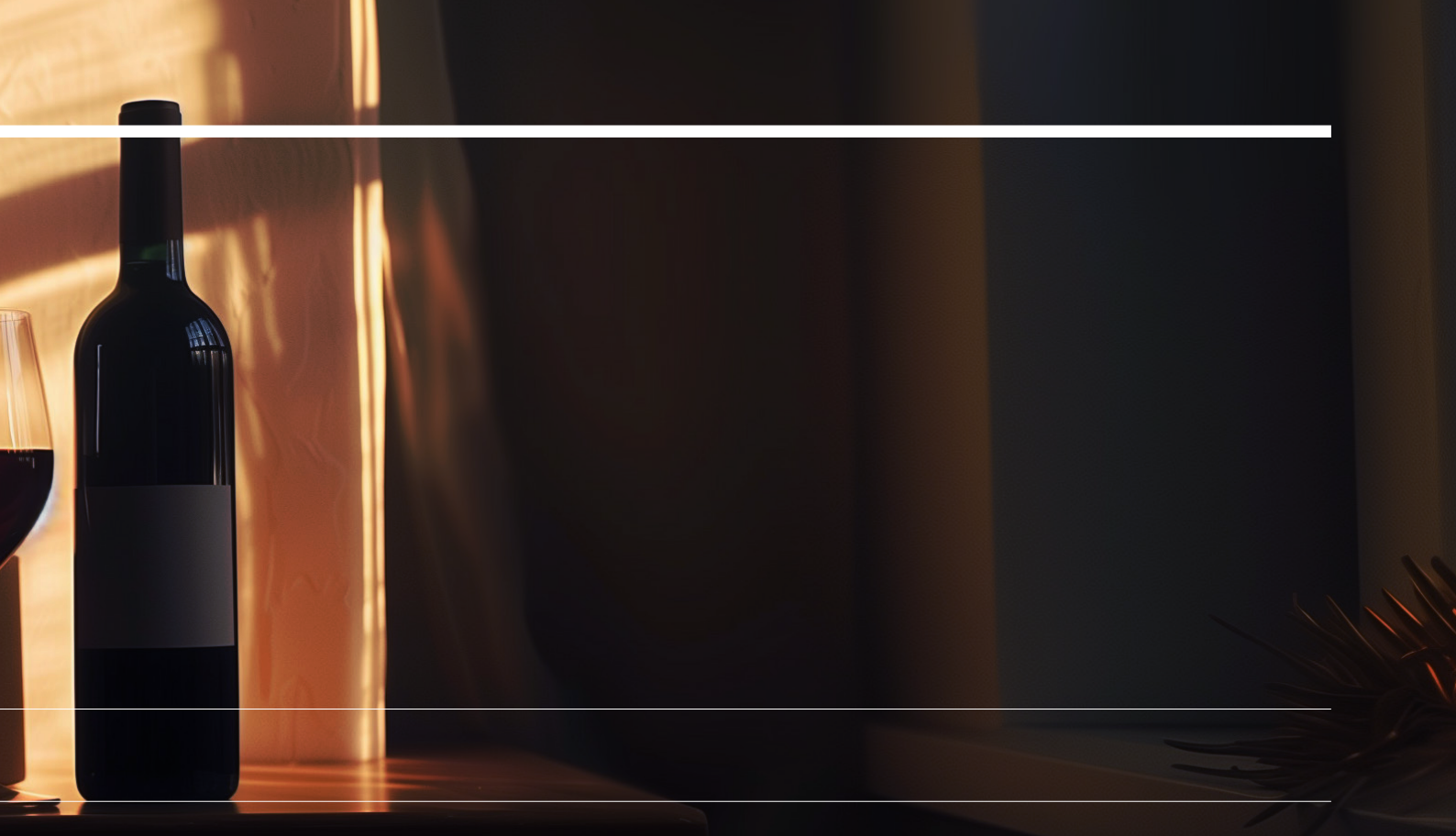
There are important differences between these two business models, especially when it comes to liability under the Licensing Act 2003.

Businesses that offer both a sale and delivery element effectively operate the same as a store-based retailer. They tend to operate from dark stores; delivery operatives tend to be employed and they trade under their own premises licence when selling alcohol.

Businesses that offer a delivery service only, do not have their own premises, do not have their own premises licence and delivery operatives tend to be self-employed or workers.

As mentioned above, the fewer people involved in a task, the more control the person in charge can exercise. This is true with regards sales and deliveries of alcohol. The more people that are involved in the supply chain the more difficult it is for the premises licence holder to exercise control, even though any offences of selling will come back to them.

Imagine this in the case of a contract between a retailer



that holds a premises licence and a rapid delivery business that contracts out the delivery of the alcohol. There is no employer/employee relationship between the premises licence holder and the rapid delivery business, the rapid delivery business and the delivery operative or the premises licence holder and delivery operative. As such, contract terms need to be specific about what can and cannot be done with regards delivery of alcohol and other age restricted goods. With regards offences under the 2003, these will always come back to the premises licence holder and doubts have been raised about whether offences could be proven against the rapid delivery business or the delivery operative.

Liability under the Licensing Act 2003 - s.146 Sale of alcohol to children

(1) A person commits an offence if he sells alcohol to an individual aged under 18.

(6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

In respect of rapid delivery businesses that do not sell the goods that they deliver, but simply facilitate the 'sale', doubts have been raised over the commission of an offence under s.146 of the Act. The seller of the goods is the retailer with the premise licence. If no age verification checks are carried out prior to delivery and the sale was found to be to a minor, this would be a straightforward offence to prove.

Neither the rapid delivery business nor the delivery operative sells the goods.

Liability under the Licensing Act 2003 - s.151 Delivering alcohol to children

(1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18—

(a) alcohol sold on the premises.

In respect of self-employed or delivery operatives that are classed as 'workers', doubts were also raised over the commission of an offence under s.151 of the Act. It would, of course, be up to the courts to decide whether a self-employed delivery operative or a worker 'work on relevant premises' and 'knowingly delivered to an individual aged under 18.' Whether the words 'in any capacity' clarifies the position, it remains unknown.

We also have the exemptions to a delivery offence if the sale is made to an adult and the delivery is to their home or place of work.

(6) Subsections (1) does not apply where—

(a) the alcohol is delivered at a place where the buyer or, as the case may be, person supplied lives or works.



RASG Best Practice

The focus of the Best Practice Guide is on checks made at the point of delivery, believing that the most important consideration was to help prevent minors getting physical

possession of age restricted products. Various recommendations are provided via separate chapters, relating to 'Policies and Procedures', 'Training', 'Identification - Physical and Digital', 'Refusals' logging and management of refusals' and 'Auditing.'

It is important to note that the recommendations within the guide are only applicable to Rapid Delivery Businesses i.e. businesses that deliver small quantities of food items and everyday products in as little as 15-20 minutes, that typically operate in urban areas focussing on providing deliveries that have not been planned in advance. The recommendations do not apply to same day deliveries or deliveries over 24 hours, where time is not so critical and there is a reasonable delay between placing an order and making a delivery.

On completion of our workstreams we submitted a document to the Home Office summarising the work of the group and presenting various recommendations. These recommendations were:

1. All UFDS platforms should include clear terms stating that when ordering age restricted goods, age verification will be requested on delivery. If age cannot be verified the goods will be removed and the customers will still be charged.
2. Age verification checks at the point of delivery should be mandatory for UFDS platforms with additional checks prior to delivery being preferred but not

compulsory. Any online age verification checks carried out should be completed to the standard BSI PAS 1296:2018 or equivalent.

3. UFDS platform goods must always be delivered to a fixed residential or business postal address.
4. UFDS deliveries that contain age restricted goods be handed to the named purchaser only. They should not be handed over to a neighbour or left in a safe place.

If digital proof of age becomes legally permitted for sales of alcohol, businesses and consumers should have a choice as to whether they want to use this. The option to show physical documents must remain.

With so much talk about digital proof of age and age estimation technology being considered around sales of alcohol, it is not unreasonable to speculate that recommendation 3 above may be withdrawn in the near future. RASG members see a time when deliveries of goods, including age restricted products, will be delivered to a person rather than to a person at a fixed address. This seems the logical next step once the technology, standards and safeguards have been developed and proven to be effective, so watch this space!

If you have any questions or comments on either this article or the Best Practice Guide itself, please email kelly@wsta.co.uk

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Gigi, Anthony, Ceili,
Ben, Mike, Talveer,
Meg and Jamal will
depart in 5 minutes
from Platform 7

Trains — now on Uber

A Welcome Break: Perspectives on player protection, compliance, and future plans



By Nick Jackson, Head of Commercial Income at Welcome Break

Motorway Service Areas (MSAs) were once described as a high street in a town all of their own. The life-blood of the UK's road network, MSAs may sit outside the town and city centres, but they serve as the gateway to the local communities signposted along the route of every medium-to-long distance car journey made in this country. One of the largest motorway service operators is Welcome Break which has 59 service areas and 31 hotels in key locations across the road system. And they operate to the highest of standards in health, safety, and yes, gaming regulation. As part of their leisure and entertainment offering, Welcome Break operates gaming arcades for all their customers taking a break from their journey - and it's one of their most important services. Not surprisingly, social responsibility is a top priority: they belong to the widely acclaimed trade association the Gambling Business Group, working with the body in broadening the industry's response to compliance and player protection. Nick Jackson, Head of Commercial Income at Welcome Break, talks to IoL LINK about what drives the organisation in terms of delivering quality service and a safe and entertaining environment for its customers, and its philosophy of fostering relationships that generate a mutual understanding. If you thought a motorway service station was just about a quick comfort break - think again. Welcome to the world of Welcome Break.

You've got motorway service areas across the country, all delivering a top-quality AGC or amusements offering. How do you rate your player protection, social responsibility, and customer care services?

At Welcome Break, we prioritise player protection, social responsibility and customer care as fundamental pillars of our business.

Our commitment to these aspects is reflected in our comprehensive training programmes for Team Members, stringent age verification processes and third party testing, and regular internal audits to ensure compliance. We also actively engage with customers to gather feedback, allowing us to continuously enhance our services and address any concerns promptly.

As a member of the Gambling Business Group, you recently took part in a joint compliance initiative with Worcestershire Regulatory Services to explore the application of player safety measures. How did that go?

Our collaboration with licensing officers from Worcestershire Regulatory Services was a valuable experience.

It provided us with the opportunity to share insights, best practices, and discuss the latest developments in player safety measures. This initiative reinforced our commitment



Warwick Welcome Break motorway services by Steve Fareham

to staying at the forefront of industry standards and working collaboratively with licensing authorities to ensure a safe and responsible gambling environment.

You work very closely with trade body the Gambling Business Group on legislative and regulation issues. What would you like to see delivered in gambling legislation post-White Paper consultation, and what current ideas being floated worry you?

Post-consultation, we hope for a regulatory framework that strikes a balance between ensuring player protection and supporting a thriving industry. Clarity and consistency in regulations are crucial for businesses to plan effectively. While we appreciate the ongoing consultations and dialogue, our concern lies in potential regulatory changes that may inadvertently stifle innovation or create unnecessary burdens for businesses.

By its very nature, the industry is always one step ahead of regulators when it comes to innovation. Would you say that's the same when it comes to compliance, especially given the level that you have taken your AGCs to?

Innovation and compliance go hand in hand at Welcome Break. We continuously invest in cutting-edge technologies and training programmes to stay ahead of industry trends while ensuring robust compliance.

Our approach is to proactively anticipate regulatory changes and incorporate them into our operations, thereby maintaining a balance between innovation and adherence to compliance standards.

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“When it comes to player protection in gambling venues, it’s the detail that matters and operators understand how important that detail is”



By Charlotte Meller, Gambling Business Group

Licensing officers will know Gambling Business Group General Manager Charlotte Meller from her presentations at a number of IoL training events. The woman behind the campaign to forge closer links between gambling operations and licensing departments, Meller has worked for councils, police commissions and the Gambling Commission for over 20 years. Here she picks up with Welcome Break’s Nick Jackson and IOL Link to explore the direction of travel for gambling and the ever-evolving infrastructure of player protection measures.

“It’s always interesting to listen to Nick Jackson talk about Welcome Break and motorway service stations,” Charlotte Meller noted. “It’s one of those unusual ‘sectors’ - we all go there yet never quite appreciate the different environment that businesses like his operate in. And I would imagine that to be the case for many licensing officers who receive less if any training on MSAs and how they function.”

For gaming venues at motorway services, the operational model is very different to that of high street arcades - there’s less of that local community engagement between long standing staff and their regular customers, playing machines while being served with a cup of tea. MSAs are lower staffed and more technologically based with a high rate of drive through customers. As it says on the tin: arcades in Motorway Service areas are very much a Welcome Break.

But don’t be distracted by the difference, says Meller. “MSAs may be unique operations, but when you’re committed to player protection in your arcades and gaming venues, there’s a practical process that you have to apply. In motorway service areas, social responsibility and player protections might be more nuanced, but they are no less reliant upon the detail. Measures such as intense training programmes for team members, age verification checks, third party testing ... these are considered standard practice and are ever evolving.”

She outlined some of the age verification initiatives in the industry which, judging by recent exhibitions, software designers have been making some staggering developments. “At the moment, motorway service areas centrally monitor Age Verification checks across all sites on a weekly basis, and they run independent third-party testing of sites which share the results quarterly with the Gambling Commission. The main MSAs all have primary authority partnerships for age restricted sales. These are practices that most of your councillors won’t be aware of, so it’s even more important that licensing officers are able to understand this.”

And in training too, Meller has been engaged with many of her membership on developing this area. “Our members do insist on the best training programmes. Compliance and safer gambling provide the spine of every training session. All relevant staff are fully trained on age verification requirements with regular refresher training including spotting fake IDs. They operate ‘Think



25' and if a customer is unable to provide proof that they are over the age of 18, they will be trained how to ask people to leave the gaming area."

Many AGCs in MSAs are gated, meaning no one can enter the AGC unless a member of staff has checked remotely that they are old enough to enter. A buzzer sounds when a light beam across the access point is broken to alert staff to the need to perform a visual check on the person entering the venue. And staff will make regular physical visits to the AGC, which are logged on the monitoring system.

There is also remote central monitoring in addition to local management of the AGC, and the remote monitoring company will issue recorded alerts and also phone the sites directly if a person thought to be underage has entered the AGC.

Meller confirmed: "Player protection is a very focused process at MSAs and it has sophisticated technology as part of its support - MSAs use the Smart Hub system for recoding a wide range of information, so there's a continuous programme of analysis."

The Gambling Business Group hosts quarterly meetings of the main MSA operators (Welcome Break, Roadchef, Moto and Extra) to enable more focused dialogue specific to their needs in operating AGCs. Building on customer interaction processes through training and the

use of technology have been high on the agenda so far.

The MSA Group is also looking at more community-led initiatives as Meller explained. "One initiative which the Gambling Business Group has been keen to drive forward is the Ask for Angela concept which offers a safe space for visitors. It's used most commonly in hospitality, and is designed to give people who are in a vulnerable position a way to ask for help in businesses."

One MSA, Roadchef, launched the initiative recently and Meller is keeping close watch on its progress. "With Ask for Angela, a person in a vulnerable position could ask a member of staff to find Angela for them - and that serves as a prompt for staff that a situation needs special care and attention. Obviously, integral to the Ask for Angela initiative is signage and staff training, as visitors need to know that staff will understand the code-phrase, and staff need to be receptive to its usage."

Meller added: "We're currently monitoring how the Ask for Angela project is working at service stations and hopefully we'll see it roll out at arcades and other gambling venues. It's another measure of how the industry is dealing not just with its social and player responsibilities but embracing the wider corporate social responsibility agenda."

Taxi Insurance Fraud



By Kevin Hocter, Horwich Farrelly Solicitors & Kieran Saunders, Hastings Direct

In previous issues of Link magazine, HF (formerly Horwich Farrelly), have looked at the issue of insurance fraud and the involvement of taxi drivers in suspicious insurance claims following road traffic accidents, and our firm belief in collaboration between the Licensing and Insurance industries. In the Autumn 2022 edition Graeme Mulvoy detailed how such a collaboration led to a £100,000 insurance saving after a taxi driver involved himself in an accident suspected to have been deliberately staged.

At HF we work closely with Insurance companies to investigate such claims. At one of our clients, Hastings Insurance, Kieran Saunders, Senior Technical Negotiator and counter fraud specialist, is uniquely positioned to give an overview of an Insurer's position, not least since he has previous experience as a taxi driver. We've been actively collaborating with licensing teams since 2019; meeting you, listening, doing collaborative educational sessions, and involving you in claim investigations, and whilst we've had great, successful results, the issues remain. In fact, evidence suggests that volumes are on the increase.

Credit Hire remains a concern. If you're familiar with 'Credit Hire', it will shock to hear as a Licensing Officer you have direct exposure. In the event of a road traffic accident, a motor insurance policy may not have cover for a replacement vehicle, or if it does, the policyholder may not want to utilise it. In this circumstance, some

individuals choose to go to a car hire company. They effectively hire a vehicle on credit terms. Hence 'credit', 'hire'.

It's first important to say there are genuine Credit Hire companies, and they provide a valuable service. But the Credit Hire industry is almost entirely unregulated and is rife with fraudulent exploitation. Taxi drivers needing a replacement vehicle are a specific target too. Why, you may ask? A taxi driver needs a vehicle for their livelihood, and each licensing authority has their own requirements for taxi vehicles operating in their area. A Credit Hire company will therefore argue that to fulfil the needs of the local Council, they need a bespoke vehicle in their hire fleet. They then use this fact to justify charging a higher rate. Replacement taxis can be hired at around £400 a day. The total hire cost adds up very quickly and who pays for this? Unfortunately, ultimately every UK motor insurance policyholder.

How are these situations exploited further? It's in the interest of a Credit Hire company to have relationships with Operators. Often, the same day a driver has an accident, they are immediately placed in a credit hire vehicle. Offering cash incentives may encourage the driver to utilise a credit hire company.

For a credit hire arrangement to be put in place though, one thing needs to happen. Namely the taxi driver's vehicle needs to be off the road; either by declaration of

it being a total loss, or by the Licensing Council issuing a Section 68 Suspension Notice. A notice to repair the vehicle wouldn't be sufficient.

As a Licensing Officer have you experienced taxi drivers pushing for the suspension of their vehicle despite minor damage? Or companies or other individuals acting on their behalf doing so? Have you experienced Engineers' reports that surprisingly declare a vehicle a total loss? The financial incentive of getting drivers into a Credit Hire vehicle may well explain all those things.

It should be noted that engineers who inspect vehicles are meant to be independent. The majority are and are honest too. However, consider if an engineer has a source of work from one organisation how they could be encouraged to reach a conclusion favourable to that organisation.

We've stated before that any taxi driver who involves themselves in a deliberately exaggerated claim is not 'fit and proper'. We need your continuing help to prevent reputation-damaging and costly fraudulent activity. We've done so much together already and we're looking forward to pushing forward into 2024.

Kieran from Hastings says:

- In the latest survey of insurers over 70,000 dishonest Insurance claims were identified in a year.
- It was calculated these costs the Insurance Industry over £1 BILLION
- Or £50 a year to the average household

Insurance fraud is not a crime that should be disregarded, it's one that costs every road user via their premium. It's not a victimless crime either. For innocent policyholders caught up defending themselves from a bogus insurance claims, it can be a long and stressful experience too.

The Counter Fraud department at Hastings Direct tackle bogus claims from taxi drivers on a daily basis, so this is a great opportunity and privilege to be sharing some of our experience with Link magazine. We believe there is great merit in both insurance companies and licensing authorities working collaboratively to combat the drastic rise in both credit hire fraud and exaggerated vehicle damage claims.

One of the many benefits of our industries sharing experiences and case knowledge can be demonstrated in great results we've secured. In one matter a licensing authority had been contacted by the credit hire company directly, requesting a suspension notice, simply because they were hiring out a replacement vehicle. Following

enquiries being made by the licensing team it was confirmed that an "improvement notice" would have been appropriate, rather than suspending the vehicle.

We were actually presented with a vehicle damage claim for over £6,000.00 and were notified the Claimant Taxi Driver had been placed into a replacement vehicle supplied by the credit hire company. This is one instance where we believe the inspecting Engineer instructed by Credit Hire companies played a key part in determining the route the claim took. By deeming the taxi vehicle unroadworthy, it opened the door for the credit hire company to provide a replacement vehicle, charging their extortionate rate. A further common concern we find when dealing with taxi credit hire is fabricated delays with the relevant authorities. Upon repair completion, we see credit hire companies alleging that some licensing authorities are experiencing delays in inspecting and issuing "reinstatement notices", preventing Claimant Taxi Drivers from returning to their vehicle.

Hastings Direct and HF investigated a series of claims looking at a particular firm who would routinely present this argument. We had cases where the Credit Hire company had managed to extract an additional £5,000.00 - £10,000.00 onto their claims, simply due to their being alleged delays with obtaining an inspection appointment with the licensing departments. We contacted the relevant licensing departments and they were a little shocked. The alleged delays was news to them. They confirmed there was in fact no delays and if requested, the vehicles could have been inspected the same week. We presented this evidence and the claims were subsequently discontinued.

This is evidence of a company's attempt to use council processes for their own nefarious means, without the knowledge of the Licensing team. Again, another great example of what we can do only by working together, to really expose and prevent both exaggerated and disingenuous claims.

There has been a tendency for insurers and licensing authorities to be somewhat reluctant to support each other in their fight against dishonesty. We very much value the importance of an open and transparent relationship with all authorities and I continue to make it our mission to breakdown such barriers and show by example that we at Hastings Direct support such relationships.

Taxis & Private Hire – Today’s Challenges and Potential Solutions



By Steve Wright MBE, Licensed Private Hire Car Association

I was delighted to be invited to speak at the IoL’s National Training Conference, the fantastic three-day annual event in Stratford-upon-Avon last November. This was my 3rd consecutive year of speaking at the event having jointly presented with the IoL’s former vice-chair John Garforth in 2021 and again in 2022. My chosen topic this year was ‘Taxis & Private Hire – Today’s Challenges and Potential Solutions’ allowing me to discuss some key themes including positive policy changes, restricted licences, the two-tier system, training and testing, safety and the importance of working together. This article follows a similar theme.

At the IoL’s 2022 Gala Dinner, I listened intently to the words of Susanna FitzGerald KC following her appointment as a Patron of the Institute. Susanna said something that resonated strongly with me about the importance of Regulators working closely with the Regulated, or put another way, Licensing Authorities working with the Licensed, which struck a chord with me because the IoL and the LPHCA had been working ever closer together over the last few years.

This has included being present at and supporting events, including reciprocal promotional stands, speaker sessions and contributions on discussion panels. This provides opportunities for ideas to be discussed, views to be exchanged, discussion and even professional debate during panel sessions, producing overall a much better understanding of

differing perspectives, challenges and opportunities. Having agreed with the IoL’s Executive Officer Sue Nelson to write this article, I considered the presentation from November, and realised a few things. Firstly, the PowerPoints are available from the IoL, secondly, many of those present may be reading this, and lastly, it would be a great opportunity to elaborate on some of the matters covered.

The Two-Tier System for Private Hire & Taxi Regulation.

At a previous IoL conference in Cardiff that I attended as part of my research into the Taxi and Private Hire Vehicle (Wales Bill/White Paper), IoL president James Button asked licensing officers present if there should just be a single tier of taxis. To my astonishment the majority said yes.

Whilst I accept that a single tier system may be easier from an enforcement perspective, there are many good reasons why a two-tier system must prevail. However, and very importantly, the reasoning behind it, clearly needs to be better understood, so I elaborate here further from a trade, public and safety perspective.

Why Retain the Two-Tier System?

Following over two years of research via the Reforming the Law of Taxi and Private Hire Services (2012) Law Commission Consultation, in 2014, it concluded:



Retaining the two tier system

We recommend retaining the current two-tier system of regulation. This distinguishes between taxis, which can be hailed or can use taxi ranks, as well as undertaking pre-booked journeys, and private hire vehicles, which can only be engaged by way of a pre-booking. It is our view that this structure promotes consumer choice and the provision of a wide range of services. Furthermore, the different ways in which taxis and private hire vehicles are engaged make different levels of regulation appropriate, so that a single system would lead to over or under-regulation.

Whilst a lot of things have changed, technology has moved on, and the Taxi and Private Hire Vehicle marketplace has evolved. Fundamentally it remains the case that two tiers prevail and will do so for the foreseeable future. I will explain the primary differences between the tiers and regarding Private Hire, the considerable differences between the types of services.

Two Tiers – Taxi

Taxi is easy to define as a tier that can be hailed, use ranks and accept pre-bookings, usually after drivers pass an area knowledge test. Taxis have meters that must be approved and checked, with tariffs that are enshrined in statute, alongside number limitation provisions.

In many cases (London being the biggest example) taxis are mandated to be wheelchair accessible because of the instant nature of their work.

Two Tiers – Private Hire

The day after the National Training Conference ended, the much-awaited Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance was published. Very helpfully it came with a Private Hire Vehicle licensing guidance note, which usefully goes a considerable way to establishing what is, and what isn't, in scope as a Private Hire Vehicle.

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note>

For those primarily in the Private Hire Vehicle sector or those thinking of being so, this is very helpful guidance, which is equally helpful for regulators.

Two Tiers – Private Hire – Primary levels of provision

Whilst private hire is the second and now by far the largest tier, it is important to understand that within that tier there are differing services that require different testing, training and regulatory requirements.

There are no 'one-size fits all' requirements because there are three primary types of service within the

Private Hire tier:

- Special Educational Needs and Disability (SEND)
- Chauffeur & Executive
- Mainstream Private Hire (Minicabs)

Two Tiers – Private Hire - Special Educational Needs and Disability (SEND) Transport

Dialogue between the IoL, licensing authorities and trade representatives has produced a greater understanding and, importantly, a positive outcome by recognising that SEND transport is very different from both Chauffeurs & Executive and Mainstream Private Hire.

This has been achieved via 'restricted licences' that allow for different, but tightly controlled, requirements for drivers that only undertake SEND work. All the necessary requirements, checks and measures remain (DBS, Medical, Driving Licence, etc.,) alongside appropriate signage.

Not only have restricted licences helped licensed operators in providing SEND transport, but they have also improved the provision of the service enormously, as there are huge shortages of SEND drivers post-pandemic. Restricted licences have reduced costs and processing times for councils and educational authorities, they have also improved safety because they prevent unlicensed drivers from transporting vulnerable children.

There is evidence that some children are not going to school as Private Hire companies simply do not have the drivers they require to accept council and educational contracts post-pandemic. The LPHCA is close to completing a comprehensive report following a wide-scale survey of procurement teams in councils throughout mainland UK. A few of the slides at

the presentation pointed out the following survey responses.

- 93.3% of council procurement teams reported they struggle to get Taxi and Private Hire Vehicle work covered post-pandemic.
- Only 6.7% of council procurement teams knew if their licensing department had restricted licences for Taxi and PHV drivers that only undertake SEND transport.
- Only 43.3% of council procurement teams knew that restricted licences have reduced costs and sped up the supply of Taxi and PHV drivers that only undertake SEND transport.
- A staggering 93.3% of council procurement teams reported that the cost of obtaining Taxi and PHVs had increased post-pandemic, with 90% reporting cost increases above inflation.

The IoL has brilliantly embraced the position that restricted licences work, so much so that in IoL LINK Issue (16) they produced an excellent article on Pages 20 – 23 [link-16-web-version.pdf \(instituteoflicensing.org\)](https://www.instituteoflicensing.org/link-16-web-version.pdf) which was put together by Phil Bates (Southampton and Eastleigh Councils), Yvonne Lewis (City and County of Swansea), and James Button (James Button & Co).

This is a real example that something once prohibited (restricted licences) has now been trialled, tested and subsequently endorsed, when previously total opposition to such licences prevailed.

Two Tiers – Private Hire - Chauffeur & Executive

I am knowledgeable about Chauffeur and Executive and Mainstream Private Hire (Minicabs) as I ran a company for 25 years, which provided both services. I am, however, dismayed when I hear of some of the



signage and livery requirements for Chauffeur and Executive Vehicles, uniquely outside of London.

By the time I finished working as an operator, my private hire company had over 100 vehicles and drivers, roughly 60% Minicabs, 40% Chauffeur and Executive. We undertook work for the travelling public and corporate accounts on a cash, account and credit card basis for over two million journeys, without signage and plates or significant problems for passengers.

We took passengers safely from anywhere to anywhere on all bookings, utilising the customers' preferred method of payment. We had high-profile as well as regular passengers, many of whom for security and personal reasons wanted privacy, hence a privately hired, and not a publicly hired vehicle was their choice of transport mode.

Chauffeur & Executive – Plate Exemptions

Licensing has always been about passenger and driver safety. I am therefore nonplussed about some signage and livery requirements outside the capital (within London signage has been minimal, with no plates or livery, with company branding strictly restricted to the rear of PHVs).

To my knowledge, there haven't been any serious problems as a consequence of this sensible policy and my very elderly father (94) manages to book and meet PHVs for all his door-to-door needs safely to get to the shops, the doctor, the hospital, holidays, etc.

Nobody has yet been able to give me a valid safety or other good reason for unnecessary 'plate exemption' requirements for Chauffeur and Executive vehicles. There are no safety issues resolved by a job needing to be an account job, payments not made in cash or via credit card, etc. There is also nothing positive achieved by only allowing 'plate exemptions' when Chauffeur and Executive drivers are not allowed to go to shops, pubs or clubs, airports, etc., the latter because Airport Transfers are a main source of work for chauffeur and executive drivers.

I have also learned that some authorities are asking that corporate customers provide travel data, even copies of business contracts before allowing 'plate

exemptions', which may inadvertently seriously breach privacy, as well as business and personal GDPR requirements.

On the safety front, our executive vehicles would sometimes pick up a young woman from a club or pub late at night when we could not provide a minicab, which now would be considered by some to be unlawful. I can vouch for the fact that we picked up an international Monarch from a pub and transferred him to the airport after he had visited his old famous school.

Anyone applying for 'plate exemptions' wrongly can be dealt with by compliance and enforcement action against the operator that has permitted too much inappropriate work via booking records inspections.

I will be working hard where I believe 'plate exemption' policy needs re-thinking and we have already had success and we are engaging with several authorities for policy revision consideration.

Two Tiers – Private Hire - Mainstream Private Hire (Minicabs)

Generally, the Minicab tier is provided via saloon, estate and MPVs and does not need any radical policy changes. Helpfully the DfT's Best Practice Guidance has clarified that members of the public can often confuse private hire vehicles with taxis, so PHVs don't need excessive signage and livery, which has been successfully the case in London since the enactment of the 98 Act.

Working Together Summary

I hope the above demonstrates why working together is critical, as is understanding the needs of the Regulator and the Regulated. I believe restricted licences have demonstrated how positive outcomes are possible by doing so. I regularly meet with licensing authorities and I am always willing to discuss any of the above or any licensing or safety matter.

Steve Wright MBE – Chair
LPHCA licensingliaison@LPHCA.co.uk



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19th March 2024

City Hall, Leicester City Council



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We are delighted to confirm that we will repeat the Mock Hearing sessions which proved so popular last year, and we hope to hear from government representatives in England and Wales as well as the major industry representatives on current issues and potential future developments in Taxi and private hire licensing.



Join us to hear from our confirmed speakers, including:

- James Button, James Button & Co.
- Stephen Turner, Hull City Council
- Jim Wilson, Scottish Government
- Andy Mahoney MBE, 24 x7 Ltd
- Steve Wright MBE, LPHCA
- Steve McNamara, LTDA
- David Lawrie, NPHTA
- Yvonne Lewis, City & County of Swansea
- Adrian Davies, Welsh Government
- Matthew Freckelton, Uber
- Deborah Bragg, Leicester City Council
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Bridge Watch



By Les Isaacs, Ascension Trust

The World Health Organisation estimate that every year over 700 000 people take their own life and there are many more people who attempt suicide. (World Health Organisation (2021) [1] Every single suicide is a tragedy that impact families, friends, colleagues, and entire communities and has devastating and long-lasting effects on the people left behind. In the UK, over the last few years over 5000 people have died by suicide each year. 115 people die by suicide in the UK every week (ONS) According to the NHS, 1 in 5 people have suicidal thoughts (NHS Digital) 1 in 14 people self-harm (NHS Digital) 1 in 15 people attempt suicide (NHS Digital)

Members of the public can be key to highlighting safety issues on the river. They might be the first to witness an incident and call 999, to flag something that doesn't look right, or directly approach someone if they look as though they are in distress. When researching suicide prevention programmes, technology, and deterrents, (TTWSF) The Thames Tidal Water Safety Forum looked to learn from other areas known as suicide locations. Two intervention programmes came to the fore: Wexford Marine Watch and the Beachy Head chaplaincy team. Both programmes have teams of volunteers patrolling locations known to be high risk areas and have successfully intervened and helped people in crisis, saving lives. Emulating these programmes, Bridge Watch aims to



provide a physical presence of teams of volunteers patrolling areas on and around the bridges of London, engaging with anybody that indicates intent to enter the water, or who might not be behaving safely. The Ascension Trust stepped up as a delivery partner to run this programme, and secured support for the roll out of Bridge Watch, thanks to funding from Bridge House Foundation.

The Ascension Trust working very closely with a range of partners that have included the RNLI, Port of London Authority, Corporation of London, City of London Police, The London Fire Brigade, The London Ambulance Service, The Coastguard and THRIVE LDN, developed a strategic action plan that focused on the competencies required for Volunteers that would be delivered through training which have included input from The Listening Place and The Thames Skills Academy on Suicide Awareness and Intervention and from the Ascension Trust comprehensive training modules that have included Active Listening Skills and Roles and Responsibilities. These sessions have been complemented by the Mental Health Triage Team, bringing their expertise to intervening with those in distress on a Bridge. Volunteers have also been required to do scenario-based training on the Bridges and will complete the RNLI water safety training. The training has given the volunteers

ABOUT BRIDGE WATCH

Bridge Watch is an initiative where teams of volunteers will 'patrol' the bridges in the City of London to identify, engage, and support anyone at risk of suicide or self harm. You will be supported by trained professionals, and make the difference to the lives of so many people.

HOW YOU WILL HELP



You will be able to spot the signs and identify someone at risk of suicide or self harm and be able to approach them and ask if they need help.



You will be able to listen, be non-judgemental, show empathy and understanding in providing support and care.



You will be able to signpost the person to other organisations to provide further and if you are concerned about a persons safety you will know how to call 999 and be able to work with the emergency services.

WHAT WILL YOU GET

1

A range of training and development opportunities. Suicide Prevention Training from the Listening Place. Roles and Responsibilities training from the Ascension Trust and the City of London Police. First Aid training from St Johns and Water Safety training from the RNLI.

2

The opportunity to attend the Applied Suicide Intervention Skills Training (ASIST) as you become an experienced Volunteer and to network across a range of organisations as well as receiving ongoing support to discuss your role.

3

The chance to work as part of an effective and supportive team, learn new skills This will enhance your CV and increase your career opportunities, improve your work while having a positive impact on the City of London and wider community.

GET IN TOUCH

CONTACT US AT 02083299641
OR AT: BRIDGEWATCH@ASCENSIONTRUST.ORG.UK

the confidence to intervene and have equipped them with a range of strategies that can use in a variety of situations. A volunteer said 'I didn't realise how hard it is to just listen, not to interrupt, not to talk about me, but I realise now, how important it could be for someone, just for me to listen and be there for them'.



The main aims of the Bridge Watch Initiative are the establishment of a coverage of volunteers across identified key 'risk periods and bridges' to prevent the number of people who enter the water and to reduce fatalities. This is achieved from the ability of trained volunteers to actively engage and intervene with those people in distress. Volunteers are carefully selected and vetted through an ongoing recruitment process and are required to fulfil the requirements of an extensive training and competency framework. The Ascension Trust have developed interoperability with our statutory agencies, and mental health networks and charities, that have further improved the volunteers understanding and expertise. The volunteer teams provide a powerful, additional resource to tackle the tragedy of suicide from our capital's bridges.

While reducing the number of deaths by suicide from the bridges it is intended that there will be a significant, recorded number, of positive engagements and interventions with individuals presenting as suffering mental health crises or who are in distress, enabling volunteers to listen and support these people, in an understanding, empathetic, non-judgemental and compassionate way that provides the opportunities to signpost people to appropriate support or to involve the emergency services where this is necessary. The impact of these interventions will increase the numbers of people who are able to seek and access further support to help them overcome the challenges that they are facing and enable them to find their own solutions and strategies that have a positive impact on their health and well-being. This is achieved by developing relationships with a range of charitable organisations including The Listening Place; Samaritans; PAPYRUS; James's Place and Mind as well as with the City of London Police; London Ambulance Service and The Mental Health Triage Team. Developing the volunteers understanding of the range and type of support available and giving them the confidence to signpost those who need it. A volunteer said 'This, I believe, is the most important part of the work we do. If we can encourage someone to seek support, they can get the help that they need, whatever it is they need so they are okay, so they can be happy, so they don't find themselves in this position again.'

Volunteers dressed in their green uniforms provide a visibility on the Bridges of London have brought with it some unintended outcomes of the Bridge Watch initiative. Members of the public have made an effort to pro-actively speak to the volunteers about Bridge Watch and what they are doing. This

has increased the public's understanding of suicide intervention strategies, raised awareness of the issues of suicide in London, and in some instances highlighted the need for people to reach out to the people in their own networks, their families, friends and colleagues who are in need of someone to listen. I believe that those conversations with our volunteers could have given them the confidence to do just that. We have also had members of the public who have expressed an interest to volunteer or who have signposted to other organisations that can help. Most recently Bridge Watch worked with Thrive LDN to support Great Mental Health Day in London on the 26th of January and where volunteers will join 'Talk Walk Talk' through London.

Bridge Watch spoke at the City Hope conference in November to outline the initiative and to work with other partners on the range of initiatives that are being deployed in London to reduce suicide and to raise awareness of the issues of suicide in the capital.

A pilot of Bridge Watch began in December 2023 with three patrols taking place each week will run until the end of February 2024 in preparation for a soft launch event and increased roll-out of patrols from March. The pilot is highlighting the need for the team of volunteers who are actively engaging with members of the public and making interventions as required. Working closely with the City of London and THRIVE LDN the Bridge Watch initiative will provide a detailed action research paper that will monitor and evaluate the impact and share evidence of the strategies that can be used in other areas and contexts and what we can do to improve the impact.

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