

WE ARE ALL IN THIS  
TOGETHER



**Preparing for the  
other side**

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# IoL Regions

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# Foreword



Words by  
Daniel Davies

Welcome to edition 9 of LINK (Licensing, Information, News and Knowledge). As we start the new year, we are all hoping that things will now start to improve in a steady and sustainable way for both businesses and family lives, strengthened by the active vaccination programme currently being rolled out across the UK.

Now is the time to start talking about the road to recovery, and I have explored this in more detail in this edition of LINK. We should all agree that partnership is key in enabling a strong recovery, and as licensing practitioners, whether regulators or industry, we are ideally placed to instigate or engage in active and positive partnerships.

This edition of LINK includes thoughts from Clare Eames about the role of cumulative impact in a post pandemic world, while Paul Chase give his views on potential future changes to the licensing regime in England, as a by-product of the pandemic. The argument for a public health objective is old ground now, but Paul suggests that it will be re-trodden as a direct result of COVID-19 and the public health restrictions currently in place.

Moving away for the moment from the pandemic, a positive approach from National Pubwatch about the importance of recognition as they look to award Pubwatch groups, individuals, businesses and anyone who has made a significant contribution to the night time economy.

Many thanks to our contributing authors who have enable another varied edition of LINK for your enjoyment. Please do consider submitting articles for inclusion in LINK – all offers of articles, feedback on content and suggestions for future editions are always welcome.

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# Regroup for recovery



Words by Daniel Davies

I would like to say I was optimistic about maybe 2021 starting with light at the end of the tunnel - there was, it was the train coming in the opposite direction.

With COVID raging, people's sanity at breaking point and a large part of the economy closed, decimated, with fields of taxis parked up and the high street and city centre's closed, it struck me that in a years' time we could end up being the Institute of Licensing nothing!

We also have the unbelievable, disgraceful events that unfolded in the US Capital and a (now ex) President, who if he were president or prime minister of literally any other country on the planet, America would be bombing it!

We have lost our ability to meet in the middle, and because of the 24-hour news cycle, the echo chambers of social media, with so many so called 'experts' on every subject matter spouting their ill-informed nonsense, like it was gospel or from

the most learned pre-eminent expert rather than Karen from her front room.

Anyway, Happy New Year!

Recovery is sorely needed now more than ever. The need is clear in every sector across the UK and more widely across the world. We are all in this together like it or not, and we have a way to go before we can truly say that recovery is in progress or even started. In the meantime, there is deep concern at the impact on mental health and wellbeing as well as the financial damage to the UK economy. Recovery must be our priority as soon as possible. We recently reported that Britain lost around 6,000 licensed premises last year, nearly triple the number in 2019 according to the latest Market



Recovery Monitor from CGA and AlixPartners. If this trend continues unchecked, we may be left in a position where there is simply nothing left to licence.

## UNITED WE STAND DIVIDED WE FALL

Now more than ever we must find common ground. There are deep divisions in our society at the moment, accelerated by Brexit and the pandemic. The appalling scenes played out in America recently should be a stark reminder of how fragile democracy can be, and what a polarised population can look like.

Democracy is the foundation of our society and should be protected at all costs. I have been privileged to attend and give evidence at two House of Lords Select Committees during my time as IoL Chairman. The first to assist with the review of the Licensing Act 2003 and subsequently to discuss the regeneration of seaside towns.

My first visit installed a deep respect as I walked past Oliver Cromwell's grave and through the architectural splendour and oak lined walls of this democratic institution. A year or so later I was more keenly aware of the privilege when I was invited to give evidence again, this time about the future of seaside towns. It is well known that this is a topic close to my heart after growing up in the seaside town of New Brighton.

My own involvement in the regeneration of New Brighton, and in particular Victoria Quarter is a long-term project involving a variety of businesses in the area, together with street art, and a close partnership approach with other local businesses and crucially with residents living in the area. The project is now widely recognised as a regeneration model and featured in the report from the House of Lords Select Committee published in April 2019.

The success in New Brighton is strengthened by a collaborative partnership approach. From the outset, the aim was to work with local businesses and residents – the success of the area demands this, and all will benefit from a thriving street scene as a result. The pandemic has impacted severely on all those businesses, but with the right spirit of partnership and collaboration, it will survive and thrive again once we reach the 'other side' of the pandemic and restrictions on lives and businesses. 'Build Back Better' embodies what we are doing and will continue to do in our hometown. Together.

Outside of New Brighton, partnership and collaboration will be equally essential on the road to recovery. Councils, Police, professional bodies, the business community, and Government must establish common ground, and continue to build a collaborative and pragmatic partnership approach.

The last 12 months have illustrated resilience, adaptability and innovation across the country both by regulators (police and councils) and licensees (including those in hospitality, taxi and

private hire, and other licensed sectors). If we can all work together going forward, then recovery will be significantly more achievable.

There has been a noticeable change recently with the government moving to support firmer enforcement position. Led by the Government, and embodied by recent speeches from ministers, there is no doubt that at this crucial stage in the fight against the virus, there is to be less tolerance and more action against illegal gatherings, breaches of closure regulations and breaches of the restrictions on movement.

The industry will play its part here too. There has been a steady increase in unlicensed music events (UMEs) since the early days of the pandemic, evidenced by Christmas and New Year events, and more recently the illegal rave reported in Hackney, London with over 300 people involved. UMEs (or illegal raves) are unsupervised, with no DPS, no security staff or medics and are generally held in areas wholly unsuited and unprepared for it.

The Night Time Industries Association (NTIA) is leading a campaign to involve the music and events industry using peer pressure to discourage anyone from being involved in such events. Mike Kill, CEO of the NTIA summarised the position for me saying:

“Having watched the increasing level of illegal events taking place over the festive period and NYE during this

epidemic, inconsiderate opportunists which are using the good name of a sector that has grown substantially over the last three decades as one of the biggest sectors within the UK, with huge influence internationally.”

“The Industry is about to make a stand against rogue operators, suppliers and artists who take part in these events, to ensure they are exiled from the sector. There is no excuse for these people to be putting these events on or supporting them in any way and are tantamount to bringing our sector into disrepute. #NotInOurName”

UMEs help no one. Least of all the hospitality sector. We have an excellent, experienced and professional hospitality sector with good operators many of whom are members of professional bodies including UKH, BBPA, NTIA, BII and IoL. They join for the same reason as you and me – because they take their role and responsibilities seriously and want to be the best they can, learning from others, keeping up to date and having access to a wider network of peers. They don't want bad operators any more than regulators do.

Good licensing practitioners (industry and regulators) benefit everyone. Partnership is always key. Let's do this.





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# After the pandemic, what will the 'new normal' look like?



Words by Paul Chase

I have been, and remain, critical of the government's whole population strategy of locking-up healthy people to protect the vulnerable and the NHS. I broadly support the view taken in the Great Barrington Declaration that we should focus controls and shielding on the elderly and those with serious underlying health conditions, and open-up the economy. Deaths from covid-19 are age-related with the average age of those succumbing being 82. We know that over a third of those dying from covid-19 have been care home deaths or deaths of elderly patients in hospitals, where the underlying health issues of those who succumbed was overwhelmingly Alzheimer's or other forms of dementia. And yet only recently have we seen twice weekly testing for care home residents and staff.

But the whole population approach of the government reflects the narrow advice base it relies upon. Our public health establishment has always favoured a whole population approach to all sorts of health issues – notably those associated with alcohol misuse. So, in this article I want to focus on what the "new normal" will look like once the vaccine cavalry charges over the hill and infection and death rates start to plummet, assuming they do. Will we return to how things were before covid reared its ugly head? Will all restrictions be gradually lifted from April 2021, so that licensed retail will once again operate under the Licensing Act 2003 in England and Wales and the Licensing (Scotland) Act 2005 in Scotland? I wouldn't bet on it.

Government has treated licensed hospitality as something that could be sacrificed even though the sector agreed covid-secure procedures with government that would enable safe opening. The feeling that we were being scapegoated, despite there being no evidence that licensed premises were a major source of viral transmission, is widely and rightly felt by operators.

But where does this government paranoia about licensed premises and alcohol come from? I think it has two sources: firstly, the public health establishment has a long-term goal of turning alcohol production and consumption into a sunset industry. And what I unrepentantly call the "health lobby" has monopolised the ear of government. Secondly, I think there is a deep-rooted cultural suspicion of alcohol use and the premises in which it takes place. Alcohol is seen by a paternalistic establishment as a disinhibiting drug that will cause the great unwashed to throw caution to the winds, and social distancing protocols will be ignored, and things will get out of control. It's a bit like that old Presbyterian fear that you shouldn't allow music in case it leads to dancing!

So, I expect that the "new normal", from a licensing perspective, will look very different by this time next year. Government will row back from the freedoms and flexibility of the licensing reforms introduced in the first decade of the twenty-first century. The police will not want to go back to a situation where many city-centre licensed premises are open until 4, 5 or 6am. Public health will urge the regulation of prices and restrictions on availability of alcohol. Local councillors will want their enforcement teams to have more power to close premises that don't meet new, draconian public health regulations.

My top predictions are as follows:

- A "public health" licensing objective will be introduced in England and Wales, bringing us into line with Scotland
- Minimum unit pricing will be introduced in England to bring it into line with Scotland and Wales
- A return to a system of "permitted hours" decided nationally by Parliament, that existed under the Licensing Act 1964, will replace the current system, where hours are decided locally
- Many of the covid hygiene measures will be retained to contain viral transmission – the virus won't disappear overnight because of vaccination
- A vaccination certificate or "health passport" will be introduced as a condition of entry to all premises employing door supervisors

I have no doubt that the covid-19 pandemic will enable lots of lobby groups to validate their pre-existing narratives and promote their favourite restrictive legislative measures. The "new age of pandemics" will facilitate a "new puritanism" designed, like the old puritanism, to save us from ourselves.

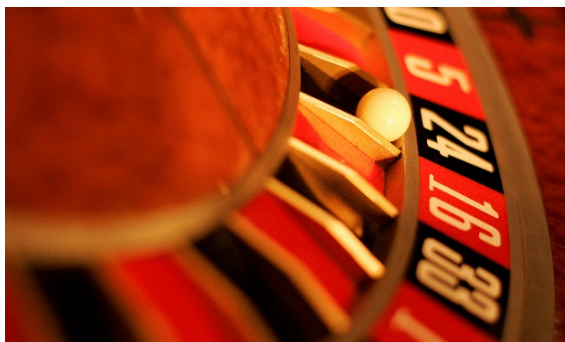




**COVID-19**  
**Temporary**  
**restrictions**

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17<sup>th</sup> March 2021

### Online Conference

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26<sup>th</sup>, 29<sup>th</sup> April, 4<sup>th</sup>, 10<sup>th</sup> May 2021

29<sup>th</sup> June, 1<sup>st</sup>, 7<sup>th</sup> & 8<sup>th</sup> July 2021

### Online training course



## Responsible Authority Licensing Training

21<sup>st</sup> April 2021

### Online training course

This one-day training course is aimed at Responsible Authority officers and will give them a good overview of the Licensing Act 2003, and the role of Responsible Authorities when considering and responding to licence applications or requesting review of existing licences.

## Contact the IoL team

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Email the team via [events@instituteoflicensing.org](mailto:events@instituteoflicensing.org) to register your interest in this course, and we will confirm full details once confirmed.

# Cumulative Impact in a post-pandemic world



Words by Clare Eames

During 2020 a number of Licensing Authorities found themselves facing their five-yearly statutory duty to review their statement of licensing policy, and consequently any associated Cumulative Impact Assessments (“CIAs”). These reviews continue as we start 2021.

Historically, councils were able to establish Cumulative Impact Policies (CIPs) where they considered that the number and density of licensed premises in a particular area was adversely impacting on the licensing objectives. There was no statutory footing for CIPs until 2017, when the Policing and Crime Act Section 141 amended the Licensing Act 2003, adding section 5(A) (which came into force on 6th April 2018) which states:

## 5A Cumulative impact assessments

- (1) A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
- (2) A cumulative impact assessment must set out the evidence for the authority's opinion as set out in the assessment in accordance with subsection (1).
- (3) For the purposes of this section, “relevant authorisations” means—
  - (a) premises licences;
  - (b) club premises certificates.
- (4) A cumulative impact assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment.

Further provisions under s5(A) cover the consultation requirements and additional requirements including the need to give reasons for the proposed CIA, indicate the areas to which the CIA will apply and state which authorisations the CIA will relate to.

Once published, s5(A) requires licensing authorities to review their CIA within 3 years of publication and publish either a revised CIA or a statement effectively removing it (where the licensing authority is no longer of the opinion stated in the

original assessment).

The evidential basis of Cumulative Impact Assessments can in some cases exceed 150 pages, including data that has taken months to collate.

The COVID-19 pandemic has irrevocably changed every town, city and high street across the UK. Recapping for a moment, we started with a national lockdown in March 2020, followed by an all too brief reprieve, boosted with the ‘Eat out to Help Out’ scheme promoted by the Government to help kickstart recovery within the hospitality sector. Things changed again all too quickly as infections rates rose and we plunged into a maelstrom of tier restrictions, curfews, revised tiers and then finally a further national lockdown.

Even during the brief summer respite when hospitality businesses were open, they operated under restrictions which forced a completely new business model. Service at tables and social distancing requirements dramatically reduced capacity in all premises. As a result, the evidential basis for Cumulative Impact Assessments is almost certain to have changed significantly.

So where does this leave licensing authorities faced with reviewing their CIAs?

Some have chosen to review their CIAs. One example is Westminster City Council, and they have acknowledged the potential impact of COVID-19, stating “Due to the uncertain short, medium and long-term effects of COVID-19 on the City and shortage of data to describe its impact at the time of this analysis, the patterns observed in this research may not accurately describe the fabric and dynamics of the City at the time this assessment was published.” Westminster have also indicated that due to the impact of the COVID-19 the Licensing Authority will likely undertake a further review of the CIA earlier than the statutory three year period.

Other licensing authorities have removed their CIAs entirely. Hereford, for example, with a new policy that came into force at the beginning of December said:

*“in essence it was felt that prior to the COVID pandemic there*

was [a need for a Cumulative Impact Policy] but as premises are now struggling it appears the need no longer exists”.

Trafford, in its policy review indicated that they would be removing red tape on cumulative impact and introducing a new application consultation service to support COVID-19 recovery. This follows on from Birmingham City Council removing their CIA along with Bristol, Bournemouth, Christchurch & Poole Council and Hartlepool.

Evidential requirements were placed on a statutory footing in 2017. COVID-19 has forced an immediate change to premises operation style, and the hospitality industry faces greatest existential threat. Recent reports suggest 6,000 licensed premises have closed so far. It would appear that the licensing landscape has changed – certainly for now and potentially forever. Licensing Authorities will want to undertake a careful and considered review of any Cumulative Impact Assessment in their area.

Cumulative Impact is a significant hurdle for operators to overcome when dealing with new and variation applications – in many cases it means refusal. As the sector emerges post lockdown, changes may be needed to licences in order for businesses to recover, evolve, and survive. Cumulative Impact Assessments will present applicant and licensees with an additional legal hurdle that inevitably makes the application process more complex, longer, harder and more expensive. No doubt there will be ongoing debate about the need and relevance of Cumulative Impact post lockdown where the evidential basis of existing CIAs must surely be called in question and require fresh scrutiny.

It is gratifying to note those licensing authorities who have recognised and acknowledged the impact of COVID19 within their policy reviews, and for those who have removed CIAs it is a welcome relief for the hospitality sector.



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# Recognising excellence - National Pubwatch

National Pubwatch believes that recognising individuals and groups that have gone 'above and beyond' to help ensure a safe licensed trade is even more crucial this year as the industry faces its greatest ever challenge with the Covid-19 pandemic.

Despite the country still being in the throws of the latest lockdown the voluntary organisation, which supports over 800 Pubwatch schemes across the UK, is to focus on rewarding best practice in 2021.

Its range of five awards recognise Pubwatch groups, licensees, police, doorstaff, members of the public and emergency services – anyone who has made an outstanding contribution to the safety of the night-time economy.

Steve Baker, chairman of National Pubwatch, who was recently awarded an OBE in the New Year's Honours List for services to reducing crime and improving safety in licensed premises, said:

*"Our aim is to create safer drinking environments and we have worked hard to promote pubwatch as a best practice initiative deserving of support and recognition by the Home Office and Police.*

*"We may be in the middle of this pandemic but recognising those that are working hard to ensure that licensed premises remain safe has become even more important.*

*"All the pubwatches around the country, along with publicans, emergency services and members of the public are doing a hugely important job in ensuring that the licensed trade is safe."*

The prestigious National Pubwatch Awards 2021 will identify the top Pubwatch schemes that have gone above and beyond during this year of the Coronavirus pandemic, and finalists will attend a glittering dinner at the House of Lords later this year hosted by National Pubwatch President, Lord Kennedy of Southwark.

The awards, sponsored by JD Wetherspoon, want to hear from local Pubwatch groups that have tackled anti-social behaviour and have promoted social responsibility.

Other awards from National Pubwatch this year include the Award of Merit, which is given to an individual who has made a valuable contribution to a Pubwatch scheme whether as part of the group or through support given.

National Pubwatch will also be urging entries for the Malcolm Eidmans Award, which recognises the outstanding contribution made by a police officer or member of police staff in supporting the work of their local Pubwatch scheme. The awards were launched in 2013 in recognition of ex-chief superintendent Malcolm Eidmans, one of the founders of National Pubwatch, who died in 2012.

In 2015, National Pubwatch launched the first of its Star Awards to allow regional representatives to recognise the contribution made by people to their local Pubwatch. To date, 32 individuals have been recognised through the Star Awards for their hard work in supporting local schemes.

Most recently, National Pubwatch took the decision to launch an award in recognition of individuals whose actions have either saved life or minimised physical harm in the night-time economy. It is open to people who work in the pub and hospitality trade, as well as members of the public or those serving in the emergency services. The first Bravery and Meritorious Conduct Award was given to two individuals – Grayson Underhill, head door supervisor of the Thekla Nightclub in Bristol who rescued a customer that had jumped into the harbour waters and Barry Graham, door supervisor of the JD Wetherspoon pub, Sir Henry Tate, in Chorley who saved the life of a homeless man with CPR who had collapsed outside the venue.

Steve Baker said:

*"These awards are so important in recognising and rewarding those that have worked to improve the safety of our licensed premises and save lives,"*

*"We would encourage everyone to think about entering these awards and nominating any individuals or pubwatches that deserve recognition in 2021."*



Steve Baker



Left to right: Lord Kennedy, Steve Baker Chair NPW, Lillian Greenwood MP, Mike Knight retired Chair Nottingham City Pubwatch, David Lucas Secretary Nottingham City Pubwatch and Su Cacioppo JD Wetherspoon

## Case Study: Winner of National Pubwatch Award - Nottingham Pubwatch

Nottingham City Pubwatch were the winners of the last annual National Pubwatch Awards in 2019.

The scheme was given the award for its positive approach to partnership working and its efforts to promote safety in the night-time economy. It initiated and supported a number of crime prevention initiatives, such as the distribution and availability of defibrillators and special medical kits for use in the case of knife attacks.

Davis Lucas, who took over as chairman from Mike Knight following his retirement, said:

*"This gave the members an acknowledgment and recognition."*

*"These awards are essential because people are currently facing so many difficult challenges in their work and personal lives. To have something positive is so welcome."*

The National Pubwatch Awards in 2020 were postponed due to the impact of the Covid-19 pandemic.

## Case Study: Award of Merit winner Amanda Newbery

Managing director of Chapel Night Club and secretary and vice chair of Salisbury Pubwatch Amanda Newbery was awarded the National Pubwatch Award of Merit in 2020 for her instrumental work bringing pubs in Salisbury back to life following the Novichok international incident in 2018. She worked tirelessly to ensure that the evening and night-time economy was represented and supported in all city activities and gave up her own time to attend many hours of meetings to support the city and its businesses.

Newbery is also cited as being the lead person responsible for the city maintaining its Purple Flag status and was



Left to right: Amanda Newbery receives her award from Lord Kennedy

recognised as the catalyst that brought the community together.

Newbery said:

*"As licensees, we understand what our city centre would be like without pubwatch. Members come and go but the core strength of pubwatch membership has remained for over twenty years."*

*"To win this award was one for the team. It was completely fabulous for the committee member working behind the scenes and for the members who attend regularly every month. It was for everything we do to keep our city safe and for all our partnerships and the friends we've made."*

### National Pubwatch Awards

Established to encourage and recognise the work of local Pubwatch schemes throughout the UK.

#### Malcolm Eidmans Award

Recognises the outstanding contribution made by a police officer or member of police staff in supporting their local Pubwatch scheme.

#### Award of Merit

Acknowledges the contributions by individuals to the success of schemes around the country.

#### Award of Merit Bravery and Meritorious Conduct Award

Recognises individuals whose actions have either saved life or minimised physical harm in the night-time economy.

#### Star Awards

Allows regional representatives to recognise the work of those locally who have supported Pubwatch schemes.

Go to [www.nationalpubwatch.org.uk](http://www.nationalpubwatch.org.uk) for more information.

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