



**“Love Sheffield a
Great Night Out”**

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IoL Regions

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Foreword



Words by
Daniel Davies

Welcome to the Summer edition of the LINK magazine, which includes some fantastic articles covering all areas of licensing. It is great to hear from Stephen Lonnia about the ENTE initiative in Sheffield underpinned as all good initiatives are by strong partnerships between all stakeholders.

Jon Collins gives us some insights into his new role as CEO of LIVE (Live music Industry Venues & Entertainment) - the voice of the UK's live music and entertainment business. LIVE was initially formed in response to the unprecedented pressure and devastation faced by the industry due to COVID-19 and is structured around four pillars: lobbying, economic analysis, messaging and skills & diversity, and it is good to see a strong voice for the industry at what continues to be an exceptionally difficult and challenging time for all of us in the hospitality and entertainment industry.

Peter Hannibal asks us to consider the positive role that gambling can play in terms of providing a social environment and interaction. We hear much about the undeniable harm arising from gambling addiction and it is important to understand that this is not the whole picture, similar to the differences between alcohol dependency and social interaction in hospitality venues.

David Wilson explains when a licensing authority might risk being 'a judge in its own cause' looking at a case he has been involved in which concerned offensive comments on social media directed at councillors and officers by a licensed driver who was subsequently called for a disciplinary hearing.

Mike Smith takes us on a tour of the Best Practice Guidance which is currently out for consultation by the DfT. The IoL will be making a response to the consultation and I hope that many of you have taken the opportunity to record your views via our online survey.

Detective Jules Benrad from the Metropolitan Police gives an overview of Operation Makesafe which is aimed at safeguarding children at risk of exploitation and this is a sobering reminder that licensing has an important role to play in safeguarding the most vulnerable in our society.

Edition 14 neatly coincides with National Licensing Week which always serves as a reminder of the extent to which licensing plays a part in our lives whether at work, home or play. Public awareness of licensing is often enhanced when things go wrong - National Licensing Week is an annual opportunity to celebrate the positives in licensing, acknowledge the problems and potential dangers averted through licensing and the contributions made by all to achieve this. We are hoping that many of you will get involved in #NLW2022 through social media and other activities aimed at raising awareness of your organisation, your role, the licensing connections and the importance of partnership and collaboration wherever and whenever possible.

Our Summer Training Conference will be held in Nottingham during National Licensing Week (Wednesday 15th June), and we are looking forward to hearing from our excellent line up of speakers on forthcoming changes, including SILA, the Protect Duty, SWAN and VAWG initiatives, Gambling, Appeals and information sharing / Common Law Police disclosure issues. We are also looking forward to our Large Events Conference which will take place at the Manchester Arena in September, and of course the National Training Conference which will return to Stratford-upon-Avon in November – we hope to see as many of you as possible at all of these excellent events for discussion, networking and learning.

We are grateful to all our article authors and hope you enjoy this edition of LINK. Please consider writing for us. Your experiences, projects or simply your thoughts on licensing related subjects will always be very welcome.

A Partnership Approach to the Future of the Night-Time Economy



Words by Stephen Lonnia, Sheffield City Council

Having worked for Sheffield City Council for over 41 years and worked in the Licensing Service for over 31 years, I have seen the ups and downs of the night-time economy over the last four decades.

I can honestly say that I never thought I would see anything like what has happened over the last 2 years with the pandemic and the economic crisis our licensed premises face.

Sheffield has been renowned for many things over the years from the City of Steel, a City of Sport, and the Outdoor City, but in my humble opinion we should also be known as a Music City, a city of entertainment, leisure and nightlife.

From Pulp and Joe Cocker to Def Leppard and the Arctic Monkeys, Human League, ABC, Heaven 17 and many more; these are just a few of the great bands/artists to come out of the city. Currently Sheffield has 465 live bands, 65 recording studios and 69 music venues, including some excellent live music settings such as the Leadmill, O2 Academy, Octagon, City Hall, Sheffield Arena. Not forgetting great nightclubs such as Corporation, Tank and The Republic (Gatecrasher) and Niche who led the way nationally in the late 90's.

The city also has the largest theatre complex outside of London, which includes the Crucible, the home of the World Snooker Championships. With such a fantastic night-time offering, we wanted to develop and deliver a 5-year city-wide Night-Time Economy (NTE) Strategy to make sure that as a city we capitalised on all that was available to us.

We want to celebrate the unique offer that Sheffield already provides and recognise the importance the night-time economy has on the vibrancy and reputation of our city as a whole. We are a proud city, and particularly proud of our rich cultural, music and sporting heritage and will use this as base to build on for the future. Everything we are aiming to achieve needs to be inclusive of everyone and must be open and diverse.

I was seconded from my substantive role as Head of Licensing to look at what we could do and how to go about it. Immediately, I asked myself "what is meant by the term Night-Time Economy?", "What, when and who does it involve?", "What do we have?", and "What do we want?"

It did not take long to realise these were questions I could not answer by myself. Therefore, we set about developing and maintaining strong working relationships and partnerships with all interested

partners and stakeholders.

The project must support and benefit all business, workers and users of the night-time industry and economy. This includes hotels, cafes, restaurants as well as the pubs, bars, clubs, and nightclubs and all other businesses and sectors that operate between 6pm and 6am.

A project outline document was produced, along with a project timeline and a skeleton manifesto for the night-time economy. We have set up a project board, project champions group, 4 project theme groups based around Purple Flag & BBN themes (Transport & Movement / Health & Wellbeing / Place & Appeal / Media & Comms) as well as a Safer Drinking Partnership Group and an Independents Stakeholder Group.

We began to develop a partnership approach with the trade and wider partners / stakeholders by helping to deliver, rejuvenate and establish existing and new voluntary licensing schemes such as Best Bar None, Licence Watch, Purple Flag and a new 5 Star Premises Scheme across the whole of the city.

Best Bar None has been a real success in the city. Tracey Ford who managed the scheme has been a first-class ambassador and administrator, and this has been recognised through winning several BBN Awards. However, it

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Love Sheffield a Great Night Out

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Photo by Winston A. Hide on Unsplash

only benefited a restricted number of premises within the city centre and if it is to be a true success it must be all inclusive of all areas of the city and be of benefit to everyone.

The main Licence (Pub) Watch Scheme is administered by Malcolm Sissons, a landlord and owner of several bars within the city. It was acknowledged that the existing scheme is struggling and currently receiving very little support. In 2005 following the transfer of liquor licensing to local authorities the scheme had over 800 member premises, we changed the name from pub watch to licence watch to be inclusive of all members and those that could or may hold a licence. Currently the scheme only has a handful of members and is stuck in a rut.

It is seen as an excellent opportunity, to reach out citywide and get as many businesses, premises and individuals as possible involved in the schemes, and working together for the benefit of the city and more importantly the night-time economy and the licensed trade. We all want to help and support more than 1600 premises / businesses to be actively involved in the schemes and to benefit from what they have to offer.

Early meetings with Nick Simmonite (Frog & Parrot), Kate Baxendale (Tank Nightclub), Mark Hobson (Corporation) were incredibly beneficial. They have

a real commitment to supporting their fellow licensees and providing support to members of their UNIGHT Trade Group. A great example of the quality of licensees we have in the city.

In the first few weeks through speaking with and listening to a range of partners and stakeholders we quickly put together some key foundation stones for initial objectives, key themes we would concentrate our early efforts on and the behaviours we want to promote in partners and stakeholders.

Our Objectives would include making Sheffield:

- **The Place to Be** - We are committed to providing a night-time economy that attracts people from every sector of our cities population and attracts people from around the world regardless of their age, race, gender, sexuality, or physical / mental ability to visit, live, work, or socialise in our great city
- **Attractive and Alive** - We will provide a night-time economy that ensures there are activities for everyone, no matter what their interest, whether it be eating, drinking, dancing, music, cinema, theatre, physical activity, performance or just gathering and socialising

- **Affordable and Available** - We will provide a night-time economy that is available and open to everyone, nobody should be excluded from the night-time economy on grounds of health or wealth.
- **Accessible and Adaptable** - We will provide a night-time economy that provides safe and secure ways to move around the city, and that it is accessible by car, bus, taxi, train, tram, walking or cycling at all hours of the day / night
- **Alert and Amenable** - We will provide a night-time economy that is alert to public safety, equality, and diversity and is able to react quickly to any issues. An economy that is amenable to change and open to improve, this may include the provision of better signage, lighting, access and security, for a diverse range of users throughout the day and night

Our Strategy Themes are based around the themes of Purple Flag and Best Bar None

There are 6 fundamental themes that will help us achieve our vision and objectives set out in this strategy:

- **Health & Wellbeing** – delivering

a clean, safe, and inviting environment for everyone including women, children and families; with a clear ambition to reduce alcohol & drug related crime, antisocial behaviour, violence, harassment and harm etc.

- **Transport & Movement** – providing a safe and secure environment within any chosen method for arrival, circulation, and departure. Improving public realm, lighting, CCTV, etc.
- **Place & Appeal** – delivering a unique, stimulating, safe destination that is vital to the city, the economy, and its culture. Providing a vibrant choice and rich mix of leisure and entertainment that attracts people from around the world to visit, work, live and socialise in the city
- **Media & Comms** – providing information to partners, customers, stakeholders, and residents etc. Ensuring excellent communication in the form of emails, conversations, newsletters, press releases, interviews and meetings

Our Behaviours should be:

That if we are to achieve our vision, everyone who is involved in delivering and supporting this strategy needs to adopt these behaviours:

- **Innovation** – is crucial to the success of this strategy, we need the ability and foresight to come up with new ideas, and have the strength and commitment to develop and introduce those that are right for the night-time economy
- **Curation** – is the ability to pull together, select and organise people, ideas, projects through use of an individual's knowledge and experience
- **Communication** – is an essential part of any strategy / project, we need to ensure we communicate from the beginning, keep people informed and involved. We need to ensure we get out good news stories and not be afraid of shouting

about what we do

- **Collaboration** – is essential if we want to deliver this strategy, we must work together and look forward, work as a team with one vision, this will include regulators, businesses, residents etc. all working together to achieve the same goal
- **Adaptation** – the ability to adapt and to accept change will be a prominent part of this strategy. Authorities, businesses, and individuals will need to adapt if we want to improve and become the best

Although we are still at a very early stage in the process of delivering this project, it is simple to see the huge benefits it can have moving forward, not only for the city, but for the night-time economy, businesses, communities, residents, and visitors to the city.

To quote Philip Kolvin QC, "at the heart of every great city is a great Night-Time Economy" and we believe Sheffield is a great city and we know we have a great night-time economy, we now want to make it the best!

Everyone knows the night-time economy has gone through probably the most difficult period it has ever faced. It has been a very unsettling and uncertain time for businesses and in turn it has had a negative impact on the night-time economy and the leisure industry as a whole.

The night-time economy is one of the main reasons people move to cities like Sheffield, particularly workers and students, it is a valuable attraction when looking for somewhere to live, learn and work.

The night-time economy is fundamental to improving tourism, culture, and the creative industries such as fashion, music, media, and performance. It is a



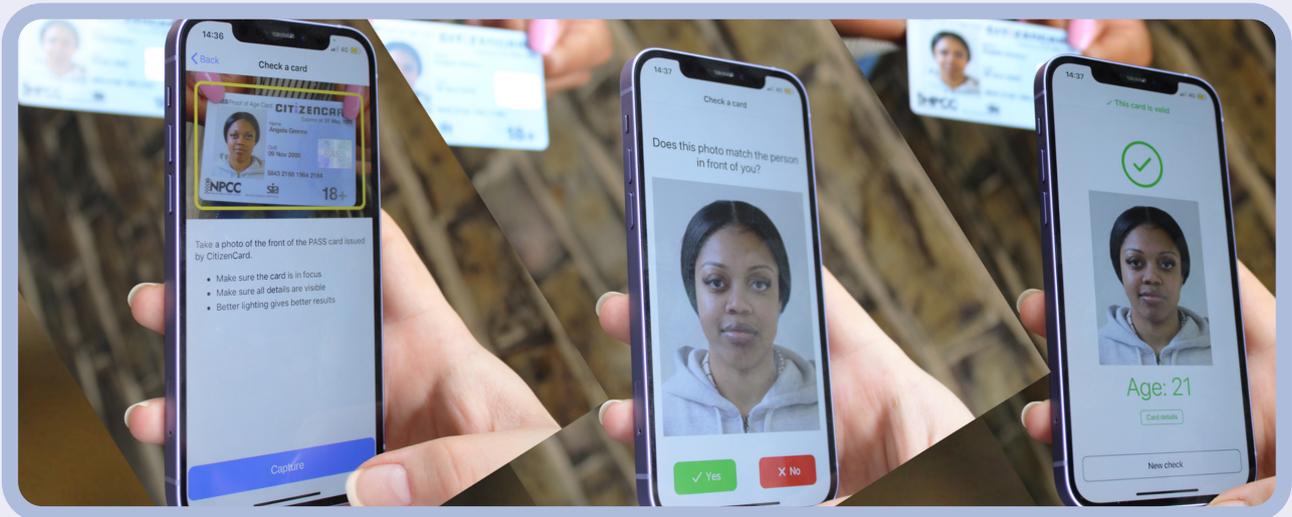
Photo by Harrison Qi on Unsplash

part of the heart of a city and should be developed accordingly.

Both the leisure industry and NTE are where after the stresses of a long working day people want to meet to eat, drink, chat, dance, socialise, learn, laugh, many fall in love, and celebrate special occasions. Many of these businesses are also used during the day and early evening by office staff, other businesses and their workforce for meetings, 1:1's, training, conferences etc.

Improving our NTE is improving our city and developing a better culture. To achieve a thriving, vibrant and sustainable night-time economy everyone must play their part, and it can only be achieved through a strong partnership approach, with everyone working towards the same goals. Having attended the recent Night Time Industries Association, Night Time Economy Summit in Bristol you can not fail to be inspired by the work that there is going on around the globe to support and promote the night time industry. The involvement of individuals such as Michael Kill, CEO of the NTIA, Carly Heath, Night Time Advisor for Bristol and Philip Kolvin QC places us all in good hands, and provides the evidence and inspiration we need to deliver success in Sheffield.

Free App confirms IDs as genuine or fake.



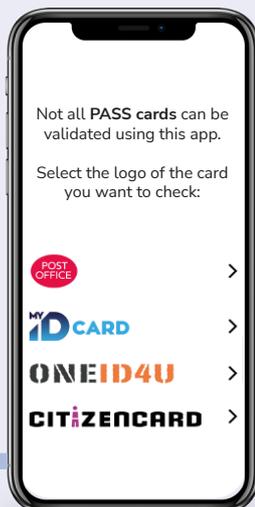
PASS card issuer CitizenCard has launched a new app, available free from Apple and Google Play Stores, that checks if a PASS (Proof of Age Standards Scheme) card is genuine. The app has already carried out more than 58,000 checks and has successfully validated 65% of the cards presented.

18,000 cards have been confirmed as fake so the app enables licensees and doorstaff to remove these cards from circulation. The app cannot validate all PASS cards (for now, Young Scot and Totum NUS cards are not participating in the app) but it does confirm if a card appears to be one of these brands.

Bill Donne from Reading Pubwatch reports that Reading NTE and operators support the app “as it is easy to use and works as a second check on the cards”. Former police officer Mark Worthington, who sits on East Midlands Pubwatch, advises festival bar managers to download the app this summer.

The vast majority of PASS cards issued in England and Wales can be validated by the app, including CitizenCards, Post Office PASS cards, MyIDCards – and soon OneID4U cards too. The app’s splashscreen will soon change to list the participating brands and users then select the brand they are checking.

Andrew Chevis, CitizenCard’s CEO, says the app is all part of reassuring the trade that PASS cards can be trusted as a valid photo-ID alongside passports and driving licences. He offers all groups working with licensees and doorstaff promotional material supporting the app. For more information please email achevis@citizencard.com



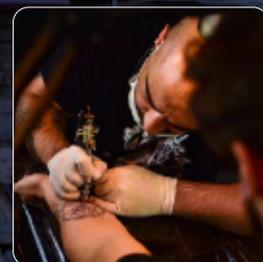
The app is free and can be downloaded using these QR Codes:



NLW National Licensing Week

13th–17th June 2022

NLW celebrates the role and importance of licensing in the UK to keep people safe when enjoying a variety of hospitality and pleasure activities.



Licensing is

Day 1 – Positive partnerships

Positive partnership has become the cornerstone of licensing regulation and engagement – it cuts across almost every aspect of licensing and has transformed the relationship between licensing regulators and businesses generally.

Day 2 – Tourism and leisure

Tourism and leisure is hugely important to the UK providing 1.6 million jobs across the country, and contributing £22.1 billion to the country's economy. Licensing plays a significant role in the tourism and leisure industry across the UK – small village fetes, caravan sites, riding stables, large music venues, outdoor festivals and sporting events.

Day 3 – Home and family

Almost every activity in the leisure sector – and most of those that supports the sector – requires a licence or some other licensing authorisation.

Most people will not think twice about their contact with licensing regulation every day of their lives, but it plays a vital role to protect people and animals – which is something most people do not recognise until things go wrong.

#NLW2022 @licensingweek

How will you promote licensing where you are?

NLW represents an opportunity for everyone involved in licensing to promote awareness of their business, their role and the link to licensing. It is a chance to raise public awareness across the country.

More and more businesses and organisations are using National Licensing Week to showcase what they do and

using the opportunity to celebrate the diversity of licensing and all the participants.

The underlying message of the initiative is that "licensing is everywhere" with daily themes to demonstrate how licensing effects our daily lives.



Everywhere

Day 4 – Night time

The UK's nighttime economy has played an important role in the cultural life of most people in the UK and continues to do so both in local communities and on the national stage. Almost every aspect of the UK's nighttime economy touches on licensing to some degree, whether it be alcohol, entertainment, levies, EMROs, regulating the distribution of promotional material, closure powers or sexual entertainment.

Day 5 – Business and licensing

Licensing essentially exists to regulate business activity in order to protect people. From small independent businesses such as taxi drivers and home boarding establishments to large multinational businesses such as those affected by primary authority partnerships, there is a golden thread of licensing regulation intertwined in all of it. In fact, there are very few business sectors where licensing regulation is not a relevant factor.

What are you doing for #NLW2022?

How will you promote licensing where you are?

#getinvolved

licensingweek.org

Live Music



Words by Jon Collins, Patron, Institute of Licensing and Chief Executive, LIVE.

Live music is special. Ask anyone to recall their favourite gig or concert and it almost always takes them to a single moment. Whether in the mosh pit or orchestra stalls, we have all had that transcendent experience where, as a collective, the audience is transported by the power and emotion of the music being played for us.

That, in part, explains why I have always loved live music. The communal experience, the memories made, the laughter over a beer before and/or after. Imagine then just how delighted I was to land my new role as Chief Executive of LIVE (Live music, Industry, Venues and Entertainment) the representative body for the UK live music industry. LIVE's members are drawn from across the sector: from festivals, arenas and concert halls to agents, promoters and ticket retailers. In total, we represent a £4.5bn industry employing over 200,000 people (pre-Covid). Check out www.livemusic.biz for more information.

LIVE sprung into life during lockdown when the various organisations that now make up our Board recognised that they needed to speak with one voice to Government or risk being drowned out. As a fledgling organisation, but led by sector and subject matter experts, LIVE was quickly able

to secure funding, shape policy, arrange test events and demonstrate value as a significant partner of Ministers and officials.

Beyond COVID, LIVE also shaped a work programme around sustainability issues and the complexities of touring post-Brexit. This has seen us establish LIVE as the go to for expert insight and input on all matters relating to the UK live music scene. And naturally, there has been a crossover with the IoL on issues such as Protect Duty (an important responsibility that, if introduced, needs to be presented with clarity and consistent with existing legislation), spiking (harm minimisation practices consistent with wider policies on safety) and Agent of Change (great to have it in the framework but can we give it some teeth please). A natural continuation of this work will see LIVE take a seat on the National Licensing Forum – the body I was proud to reconstitute as one of my first acts as IoL Chair.



Photo by Samuel Regan-Asante on Unsplash

And so that should give us lots of reasons to have LIVE and the IoL collaborate in the months and years ahead. Similar to my hospitality work that first led me to the IoL (via SELP, LGLF and Philip Kolvin), much of live music's operating environment and policy aims has a licensing dimension. The Music Venues Trust, a LIVE Board member, is passionate about preserving and promoting our grassroots live music venues. Clearly, that has a licensing element, be that everyday practice, the implications of residential development or the positive opportunities that can come from creating pro-culture, pro-entertainment spaces such as Night Time Enterprise Zones.

The Association of Independent Festivals and the Association of Festival Organisers have a wealth of knowledge and experience when it comes to delivering safe, vibrant events. It will not surprise readers of this magazine that, as part of that work, both AIF and AFO members work closely with the relevant local authorities, not least through the Safety Advisory Group. Paul Reed, who leads AIF, has produced innovative and important work that aligns perfectly with IoL values e.g. their Safe Spaces at Festivals charter which has the support

of over 100 festivals. His counterpart at AFO, Steve Heap, also leads the Event Industry Forum and is a major contributor to the Purple Guide, an essential resource for many Institute members.

LIVE's other venue-led members, such as the National Arenas Association and British Association of Concert Halls (boasting the splendid acronym, BACH) will be close observers of the protect duty legislation as it passes through Parliament. As ever, we will be looking to ensure this bill balances rights and responsibilities to ensure a clear regulatory framework in which responsible operators can (and will) deliver safe, vibrant events.

Beyond venues and festivals, LIVE also represents the other important players in the live music ecosystem: promoters; agents; managers and ticket retailers. Of course, we also have organisations representing the musicians themselves: from EDM to classical.

Taking the reins at this particular time is both exciting and challenging. Exciting given the tremendous opportunities LIVE has to advocate for our world class live music industry. A truly global success story, driver of domestic and international tourism, economic powerhouse and source of soft power.

Challenging as we are still in far from normal times.

Venues and festivals have built up debt during two years of little or no trading that is likely to see our economic contribution drop some 70% (21 v 19).

Many individuals who did work in our industry (be that on stage or in a production role) have been forced to move on as lockdown combined with no support from Government pushed them into alternative careers.

Customers are not back into old habits as two years of messaging to stay at home, post-Covid reticence, pent up supply (those 2020 and 2021 shows postponed to this year) and the cost of living crisis all impact their behaviour.

As LIVE seeks to support and promote our members interests, you can expect we will do so in a way that is consistent with the aims, values and objectives of the IoL. Partnership, dialogue and communication will be at the heart of our efforts. Live music venues can do so much to rebrand neighbourhoods, stimulate economic activity and contribute to our individual and collective wellbeing. That can all be achieved in a way that is not only in line with licensing policy but promotes its core objectives in a truly positive sense.

While the last few years have been some of the most difficult our industry has ever faced, they have also highlighted the resilience, drive and vibrancy which radiates from every single corner of this fantastic sector. Live music in the UK has a bright future, and LIVE will be there every step of the way. I look forward to seeing you at a future IoL event and, maybe, in the mosh pit!

Events - What's On / Online?

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



Working in Safety Advisory Groups

27th June 2022

Wembley

This one day course is for all those involved in Safety Advisory Groups (SAG's) including core members and invited representatives. The trainer is John Newcombe. The course fee includes comprehensive printed training materials.



Virtual

Taxi Licensing

Basic 1st July 2022

This course will give new/inexperienced delegates working in the field of taxi and private hire licensing a broad understanding of the licensing regime from a practical and operational perspective to support their day to day role.

Advanced 8th July, 26th September (Welsh specific)

The course looks in detail at the hackney carriage and private hire licensing regime and the role and functions of the licensing authority.

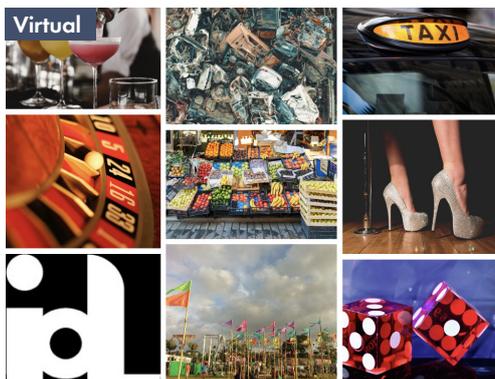


Virtual

Councillor Training Day

14th July 2022

This training course is aimed at all councillors who are involved in the decision making process of licensing applications. The course will cover the general principles of licensing, including hearings under the Licensing Act 2003 and committee decisions relating to the hackney carriage and private hire regime.



Virtual

Professional Licensing Practitioners Qualification

8th, 9th, 13th, 15th September 2022

This training will focus on the issues that a licensing practitioner will need to be aware of when dealing with licensing of alcohol and entertainment, gambling, hackney carriage / private hire, scrap metal, sex establishments and street trading.

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.

Contact the IoL team

Email: events@instituteoflicensing.org
or telephone us on 01749 987 333



Large Events Conference

27th September 2022

AO Manchester Arena

The Manchester Arena is located in the city centre, on the corner of Trinity Way, Hunts Bank and Great Ducie Street, and is adjacent to Victoria Station.

The aim of the day is to provide a valuable learning and discussion opportunity for everyone involved within the licensing field or concerned with the licensing, regulation or operation of large scale events. The event will consider recent inquiry findings and reports and aims to increase understanding and promote discussion in relation to the subject areas and the impact of forthcoming changes and any recent case law.



Licensing Act Enforcement

3rd October 2022

Reading Borough Council

This one day training provides an in depth look at the framework of the Licensing Act and associated enforcement powers available under the legislation.

The session will also explore the role and functions of the licensing authority, the general principles of enforcement, powers of entry available and use of the mechanisms in the legislation to ensure that those administering, enforcing and operating under the regime can confidently uphold the licensing objectives.

The course will provide an excellent overview for new practitioners or as a refresher for established practitioners. The course will be suitable for any delegate with an interest in licensing and enforcement including licensing authority officers, other enforcement officers, members with an interest in licensing and police officers



A judge in your own cause?

What has Senator Pinochet, the former Head of State of Chile; George Orwell's unpublished introduction to *Animal Farm*; and Shakespeare's *Henry VI, Part 2, Act V, scene 3* got to do with taxi licensing?



Words by David Wilson, A2Z Licensing

Photo by Ivan Bokii on Unsplash

If it were not that they all cropped up in some research I undertook recently in order to represent a taxi driver before a local authority disciplinary hearing, I would have been as bewildered by the question as I imagine you are now.

As the driver's case was heard as a confidential matter and has not resulted in court proceedings, I can only divulge specific details about the case that are already in the public domain, but it raised many issues I had never

previously considered and hence I now share them and my views and research in this short article.

The driver posted offensive comments on the local authority's social media about officers and councillors, which, unsurprisingly, resulted in the driver being referred for a disciplinary hearing before a panel of councillors (the driver also subsequently posted the officer report for the disciplinary hearing online too).

Fortunately for me, as the local authority had already decided it was not appropriate for the officer the primary target of the driver's offensive comments to present the case at the disciplinary hearing, I did not have to research that issue. For completeness, however, I proffer the unresearched view that it is, at least, preferable for an independent officer to present a case against a driver (or any other licence holder in similar circumstances) to a disciplinary hearing when an officer is a victim of the driver's actions. The officer victim could,



of course, give evidence, if that were considered appropriate by the person presenting the case against the driver to the disciplinary hearing.

Who, however, should hear such a case and decide whether a licensed driver or applicant is a fit and proper person to hold a licence and, if they are not, what action should be taken?

In my case, the driver had made offensive remarks about officers and councillors, so that all who would ordinarily hear and determine a disciplinary matter were themselves already involved in the proceedings. How could any of them possibly be seen to be independent and impartial in determining the matter when their honesty and integrity had been challenged by the driver's remarks?

And it is here that I bring in Senator Pinochet, the now late former Head of State of Chile. Pinochet was arrested on a visit to the UK at the request of

Spain, which sought extradition so that he could be tried for offences against humanity that took place during his time as the Head of State of Chile. Proceedings reached the House of Lords (as it was then) and, for the first time ever, the House of Lords, having heard the matter, then heard an appeal against its first decision.

The challenge to the first decision of the House of Lords being brought by Pinochet as one of the Justices that heard the first appeal, Lord Hoffmann, was a member and trustee of a part of Amnesty International, an organisation that had been allowed by an earlier order (not involving Lord Hoffman) to intervene in the proceedings.

The House of Lords held that, by his association with Amnesty International, Lord Hoffman was a judge in his own cause, although not a party to it, because he was not, as a matter of law or fact, Amnesty International. As a result, the House of Lords set aside the

earlier decision and directed a re-hearing before a differently constituted committee of the court.

If that was also the case in relation to my driver case (as I believed and submitted it to be), the local authority would appear to have been rendered incapable of making a decision, which I accept could never have been the intention of Parliament.

It seems, however, that was not Parliament's intention - section 101 of the Local Government Act 1972 expressly provides that a local authority may, subject to certain exclusions that do not apply, delegate a function to another local authority.

I am not aware of any local authority that, within its scheme of delegation, makes provision for another local authority to determine a case that it is unable to hear itself. As a result of this case, I suggest every local authority enters into reciprocal arrangements

with another local authority so that arrangements are already in place, should the situation ever arise in which they are needed.

But what about George Orwell and Shakespeare I hear you ask. Well, I'm not so well read to have been able to have cited such literary works myself, especially one that refers to the introduction of an unpublished work!

For those references, I am indebted to Julian Knowles J who refers to both, amongst others, in his judgment in *R (on the application of Miller) v The College of Policing and The Chief Constable of Humberside* [2020] EWHC 225 (Admin) who cited George Orwell's unpublished introduction to *Animal Farm* and clarified and expanded on the Shakespeare quote referenced by the Lord Chief Justice in *Chambers v Director of Public Prosecutions* [2013] WLR 1833. Both cases were concerned with the right to freedom of expression provided by Article 10 of the European Convention on Human Rights.

The comments posted by the driver I advised and represented were certainly critical of officers and councillors, and the local authority as a whole – the driver was undoubtedly expressing his views, but did they cross the line into criminality?

The Article 10 right to freedom of expression is not an absolute right, but one that can be curtailed subject to such State interference being "proportionate to the legitimate aim pursued."

Only the imposition of a word limit on this article prevents me from quoting verbatim [1] – [12] from the judgment of Julian Knowles J in *Miller*, which provides a very useful and detailed explanation of the right to freedom of expression, but to answer the question I posed as the title to this article, I include the following extracts:

1. In his unpublished introduction to *Animal Farm* (1945)

George Orwell wrote:

"If liberty means anything at all, it means the right to tell people what they do not want to hear."

12. I understand that the Shakespeare quote which the Lord Chief Justice had in mind was, 'The first thing we do, let's kill all the lawyers' (*Henry VI, Part 2, Act IV, scene 2*). The *King Lear* quote is from *Act V, scene 3*, where Edgar, son of Gloucester, says that we should, 'Speak what we feel, not what we ought to say'.

The *Miller* case concerned tweets he had made expressing his views on transgender issues, a topic that was said to be controversial at the time as the Government was undertaking a consultation in relation to reform of the Gender Recognition Act 2004. *Miller* held views that many would regard as being offensive and the way he expressed them as being grossly offensive, but the courts held that they were not grossly offensive and that, as a result, he was entitled to express those views under the right to freedom of

expression.

I do not reproduce more of the judgment in *Miller* because of the limits of the article word count (even though I have already significantly exceeded it), but because of the content of the judgment itself. If anyone wants to be better informed about freedom of expression, or has a need to know more, the judgment in the *Miller* case is the place to begin.

Finally, if, as in my driver case, the offending comments are made electronically, criminal offences are currently contained in section 1 of the Malicious Communications Act 1998 and section 127 of the Communications Act 2003, but note that this legislation is currently subject to reform and it seems likely that where the line is drawn between legitimate freedom of expression and criminality is likely to move to protect those that may be harmed by what is said. See also the Law Commission final report *Modernising Communications Offences*.





National Training Conference

16th, 17th & 18th November 2022

Stratford-upon-Avon

We are delighted to be planning our signature three-day National Training Conference for 2022 to be held in Stratford-upon-Avon.

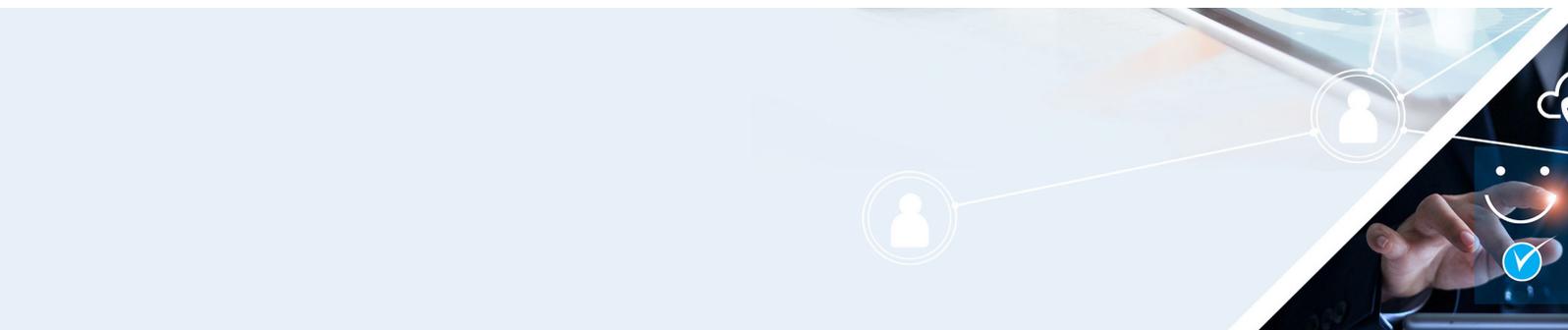
The programme will include the range of topic areas our regular delegates have come to expect, with well over 50 sessions across the three days delivered by expert speakers and panellists.

See the agenda tab for confirmed speakers. This will be updated as they are confirmed. A draft agenda will follow later in the year.

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 (Thursday evening) is a black tie event, and will have a set theme (theme tbc).





SCAN ME

Local Alcohol Partnerships Group

The Local Alcohol Partnerships Group (LAPG) was established in 2012, and brings together representatives from local partnership schemes which seek to minimise alcohol harm and promote conditions for the safe and responsible sale and consumption of alcohol in town and city centres and local communities.

LAPG membership is open to local partnership schemes, industry partners and representatives of other interested parties including regulators, government departments and alcohol advisory/concern groups.

The objectives of LAPG are to:

- provide the basis for closer collaboration between the industry local partnership schemes, trade bodies and other stakeholders
- provide a source of practical and operational expertise in licensed economy issues for operators and regulators
- implement and support schemes as appropriate
- facilitate the sharing of good practice through attendance at events, meetings and roundtable discussions as appropriate.
- share good practice on evaluation and gather data that demonstrates the benefit of the schemes at local level.

Partnerships



Best Bar None

Best Bar None is an accreditation scheme supported by the Home Office and drinks industry that aims to improve standards in the evening and night time economy. Through a combination of responsible management and operation of licensed premises, ongoing improvements, and social responsibility, Best Bar None's goal is to help provide a safer night out to all.



ATCM Purple Flag

Vibrant, night-time economies do not happen by accident. Innovation, curation, planning and partnership are all key elements to creating a destination that can delight users after dark. Purple Flag is an international accreditation programme that aims to reward those who achieve this in their destinations after dark. Purple Flag strives to help create safe and thriving locations at night for all users.



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Street Pastors

Street Pastors was pioneered in London in 2003 by Les Isaac, starting with 18 volunteers taking the streets of Brixton – 15 women and 3 men. Since then, over 12,000 street and prayer pastors, have played an active part in strengthening community life and working for safer streets. Currently, more than 240 towns and cities around the UK have a Street Pastors team with over 20,000 volunteers in total associated with the Street Pastors network.



Drinkaware

Drinkaware is an independent charity which aims to reduce alcohol-related harm by helping people make better choices about their drinking by providing impartial, evidence-based information, advice and practical resources; raising awareness of alcohol and its harms and working collaboratively with partners.



PASS Card

The UK's national proof of age accreditation scheme, endorsed by the Home Office, the National Police Chiefs' Council (NPCC) and the Security Industry Authority (SIA).



Retail of Alcohol Standards Group

The Retail of Alcohol Standards Group was established in 2005 by national retailers in an effort to eradicate underage alcohol sales. Its work today continues to focus on driving down underage alcohol sales, primarily through the Challenge 25 Scheme, addressing underage drinking through Community Alcohol Partnerships and promoting high standards among alcohol retailers through its Guidance for the Responsible Retailing of Alcohol.



National Pubwatch

National Pubwatch is a voluntary organisation set up to promote best practice through supporting the work of local Pubwatch Schemes. Its aim is to achieve a safer drinking environment in all licensed premises throughout the UK.



Safer Business Network

Safer Business Network is a Community Interest Company, which coordinates and administers several award winning business crime reduction partnerships (BCRPs) across some of London most challenging and diverse boroughs. Our BCRPs are private membership schemes which bring businesses together, with the police, council and other interested stakeholders to reduce crime, violence and anti-social behaviour that have negative impacts on profitability of businesses and the 'look and feel' of town centre environments.

The Value of Licensed Gambling Premises to Local Communities.



Words by Peter Hannibal

Photo by Ben Frost on Unsplash

The British public choose to go-out for any number of reasons, including to meet friends and socialise, for leisure, pleasure and enjoyment, and to also to do something different to the everyday mundane things that fill most of our daily lives. Some people go to the cinema or the pub, some partake in recreational activities such as walking, running or cycling or even visit their local leisure centre. Others spend a morning or afternoon retailing or going out to eat, whether it is into town or to the local retail park.

For anyone going-out and engaging in the things listed above, they will inevitably spend money doing so. Some activities will cost more than others, but they will all come home from their leisure and entertainment with a few quid less to their name.

All of these activities most of us would regard as 'normal' and 'acceptable'. So why is gambling perceived differently?

We know that the vast majority of consumers who participate in gambling in Licensed Gambling Premises do so benignly, without harm, and derive recreational pleasure and social engagement from this entertainment activity. We also know that it costs money to gamble, as it does for all of the other activities that the public chooses to take up. Speak to any bingo player or any punter in the betting shop and they see their spending as simply the cost of enjoying their gambling activity, exactly that same as other leisure and pleasure activities.

For many bingo customers, the one or twice a week trip to the bingo club is their only regular social interaction, which they look forward to as the highlights of their week. For others, it is an escape from the pressures of their daily lives. Similarly, for most betting shop customers their visit is just part of the trip out of the house that in many cases includes calling into the newsagents for a paper and the café for a coffee and a sandwich.

Licensed Gambling Premises are an integral part of our communities, our high streets and the daily/weekly lives of the British public.

We also know that there is a small number of the population that at times are not able to stay in control of their gambling, but this needs to be viewed from a proportionate perspective and balanced against all of the positives that people enjoy

through engaging with it.

Would we block Burger King or Pizza Hut from opening a new premise because we think some people will become obese and end up dependant up the NHS? – no we wouldn't.

Do we object to mobile phone shops to stop people buying £800 mobile phones when they should be buying new shoes for the children? No we don't.

There is another view that companies should not make profits from people gambling. Yet we know that making a profit is key to survival in business and those premises that don't make a profit end up being boarded up. All successful businesses make a profit, that is how they exist in the long term. Those selling fast food, alcohol, tobacco, coffee, medicines, sex aids, even those essential services like dentists and pharmacies all have to make a profit to survive whether we believe it is ethical or not.

So why do Licensed Gambling Operators come up against so much objection to new premises licence applications? Is it because we just don't appreciate gambling ourselves and would therefore never do it, so the only reason others must gamble is because it is compulsive and therefore shouldn't be allowed?

At the Institute of Licencing 2021 training week in Stratford-upon-Avon we asked a room full of Local Authority delegates how many have encountered problems or issues with Licensed Gambling Premises - none raised their hands. Incidents involving crime and disorder relating to Licensed Gambling Premises are few and far between, certainly no more than any other type of premises and suggestions that a new Adult Gaming Centre will attract crime and disorder are

subsequently unable to be supported with evidence.

We should also discuss the likelihood that children will be tempted to gambling if new Licensed Gambling Premises are permitted to open. We know that it is a mandatory Licence Requirement to carry out regular 'test-purchases' to ensure that adequate precautions are in place to prevent underage gambling. Licensed Operators also have to record all of their age check interventions of under 25s. Actual incidents of children under the age of 18 trying to gamble in a Licensed Gambling Premise are very rare (when we exclude circumstances purposely set up test purchases). The Gambling Commission themselves have openly said that children are not gambling in the regulated sectors. Operators are very proficient with their age controls but besides all of these facts, Licensed Gambling Premises are simply not attractive places for children to want to go to.

According to expert psychologists the human brain has a weakness towards anything it finds pleasurable, and I have no intention of listing all of the addictive activities here, save to say that Local Authorities have to deal with a number of them, of which gambling is one. However, according to the Gambling Commission's latest statistics, the estimated number of problem gamblers in Great Britain has halved from 0.6% of the population to 0.3%. Operators of Gambling Premises know this and are instinctively alert to the fact that that a very small minority of gamblers can lose control of their gambling activity. They are also very aware that potential problem gamblers need to be identified and protected wherever possible. One of the most under recognised attributes of Licensed Gambling Premises Operators is that they are on 'first name terms' with over 90% of their customers. This level of know-your-customer is an important and inherent component in the culture and service levels they use to run their businesses. The impact of this relationship is that they are able to provide a level of tacit care to those customers they know well, including spotting changes in their gambling behaviour and making relevant interventions. They are also very aware of the small number of consumers that they are not on first name terms with and will supervise them accordingly, applying similar concerns and slightly different observations.

Your local Bingo Premises, Betting Shop or Adult Gaming Centre manager is just like the conscientious pub landlord, who creates a social environment where patrons enjoy themselves and feel safe and comfortable, just without the alcohol (in the latter two cases).

Companies investing in the High Streets of the UK is not happening frequently enough and when it does come along, it should be viewed with an open mind and all of the positive attributes set out proportionately against the facts relating to any concerns, those being concerns that are genuinely shared responsibly by the Operators themselves.



Operation Makesafe

Words by Detective Jules Benrad - Modern Slavery & Child Exploitation, Central Specialist Crime, Met Police

What does child exploitation (CE) mean to you? Whose responsibility is it? To put simply, it's for each and every one of us to protect children at risk of exploitation.

There are some misconceptions when it comes to CE. That only girls and young children are affected. The reality is different. CE affects both boys and girls, from all different backgrounds and ages up until 18. CE encompasses a range of different forms of exploitation, from CSE to CCE and County Lines.

Operation Makesafe is focused on raising community awareness of child exploitation.

The purpose of Operation Makesafe is to empower businesses and organisations to tackle child exploitation through increased awareness and training.

The campaign is designed to help business owners and their employees identify potential victims of child exploitation and, where necessary, alert police officers to intervene prior to any young person coming to harm.

Historically, Op Makesafe was focused on Child Sexual Exploitation (CSE) but now incorporates all forms of Child Exploitation, including sexual and criminal (CCE).

The businesses we aim to work with include; hotels, licensed premises, taxis and private hire vehicle companies, care homes, shopping centres, transport hubs, Wi-Fi hotspots and fast food outlets.

Businesses and their employees are directed to contact police, quoting 'Operation MakeSafe', should they suspect suspicious behaviour or activity on their premises or in their vehicles.

The key objective to Op Makesafe is to identify potential victims of child exploitation and ensure there is an effective safeguarding response to prevent exploitation taking place. By working in partnership with the business communities, we will upskill staff, disrupt and deal positively with offenders.

This will ensure effective preventative measures are in place as a result of gathering intelligence and building those vital relationships within the community.

Officers from each Borough Command Unit (BCU) will be carrying out the Op Makesafe awareness visits to the relevant businesses. They will share the newly publicised Op Makesafe video, engage with staff and highlight the signs and indicators of child exploitation. In addition they will hand-out leaflets which are bespoke to the business, whether it is a hotel or taxi firm.

The focus is to build positive relationships with businesses, provide awareness around CE and building confidence within the community to ensure the signs of CE are recognised and reported directly via the operating pathway.

When an 'Op Makesafe' call is made to police, the police operator will ask the caller specific questions unique to Op Makesafe, which will determine the police response and how the call is dealt with. All MetCC operators and supervisors have received refresher training to ensure that all 'Op Makesafe' calls are triaged properly.

The Met supports and encourages the use of the SAFEGUARD mnemonic, which helps to identify the signs of child exploitation.

The SAFEGUARD mnemonic is used to assist professionals when identifying signs of exploitation:

Sexual health & behaviour – Evidence of STI's, pregnancy, termination, inappropriate sexualised behaviour, under age sex.

Absent from school or repeatedly running away – Evidence of truancy or periods of being missing from home or care.

Familial abuse – Domestic abuse, young carer, familial sexual abuse, parental criminality, substance misuse. Physical, emotional abuse or neglect. Forced marriage, HBV.

Emotional & physical condition – Self harming, low self-esteem, learning difficulties, poor mental health, change in physical appearance.

Gangs – Involvement in crime, involved with gang members, contact with others who are sexually exploited, lacking friends from the same age group.

Use of technology & sexual bullying – Sharing images online, problematic use of the internet and social networking sites.

Alcohol & drug misuse – Problematic substance use.

Receipt of unexplained gifts or money – Unexplained finances, including phone credit, clothes, money.

Distrust of authority figures – Resistance to communicating with parents, teachers, social services, police and others.

I have been fortunate to work on the re-launch of Op Makesafe along with my talented colleague DC Tony Foran. From brainstorming ideas for the animated video and writing the script to working closely with the design company to create our vision through the powerful training video.

<https://youtu.be/71zq9S0sOGE>

Since the re-launch in March 2022, we continue to promote this crucial piece of work, which is pivotal in the prevention of child exploitation.

**TAXI DRIVER?
LOOK OUT FOR
CHILD EXPLOITATION**

POSSIBLE INDICATORS

- A passenger who is too young to be travelling alone or travelling with someone who does not appear to be a friend or family member
- A young person in school uniform during school hours
- A young person being taken to or picked up from a hotel
- A young person who looks concerned or frightened while travelling with someone else

Report it, call 101 or 999 (in an emergency) and quote Operation MakeSafe

METROPOLITAN POLICE



**METROPOLITAN
POLICE**

NEW
SCOTLAND
YARD

LOOK OUT FOR CHILD EXPLOITATION

Report it, call 101 or 999 (in an emergency)
and quote **Operation MakeSafe**



WORK IN A HOTEL? LOOK OUT FOR CHILD EXPLOITATION

POSSIBLE INDICATORS

- Guests who do not have any luggage or ID
- Young people with significantly older boyfriends or girlfriends
- Last minute or walk-in bookings
- A number of people visiting the same room at regular intervals
- A room with lots of condoms/condom wrappers or drugs/signs of drugs (such as syringes, wraps or plastic bags)

Report it, call 101 or 999 (in an emergency)
and quote **Operation MakeSafe**

METROPOLITAN
POLICE



WORK IN A SHOP? LOOK OUT FOR CHILD EXPLOITATION

POSSIBLE INDICATORS

- Customers befriending young people, including buying them food and drinks
- Customers who frequently come in with different young people
- Under 18s who appear to be truanting from school
- Under 18s with large amounts of cash buying expensive phones, trainers or clothing
- Adults who appear to be monitoring public areas

Report it, call 101 or 999 (in an emergency)
and quote **Operation MakeSafe**

METROPOLITAN
POLICE

More information can be found on the Met Police website including the video and posters/leaflets on display:

<https://www.met.police.uk/police-forces/metropolitanpolice/areas/about-us/aboutthe-met/campaigns/operationmakesafe/>

Best Practice Guidance Consultation



Words by Mike Smith, Senior Specialist for Licensing and Community Safety at Guildford Borough Council and Vice-Chair of the Institute of Licensing South East Region.

The much anticipated and long-awaited update to the 'Best Practice Guidance' issued to Local Authorities has been published for consultation by the Department for Transport.

The DfT has issued best practice guidance on taxi and private hire vehicle licensing since 2006 with the last revision to the guidance issued in 2010. Clearly the sector has changed unrecognisably since then and it therefore unsurprising that the differences between the 2010 and 2022 versions are stark. The current guidance is 27 pages. The consultation version runs to 99 so nearly 4 times longer and according to the DfT takes into account stakeholder views and changes in the way the sector operates. Clearly this detail is needed if the guidance is to reflect the huge changes the sector has been through in the past 12 years.

The guidance is non statutory (unlike the Standards published in July last year) but aims to assist local authorities that have responsibility for the regulation of this sector with their Policy and standard setting by

setting out what the DfT to consider to be best practice. As such, it is imperative that all stakeholders with an interest contribute to the development of the guidance as this will form the basis of licensing authority practice.

The first (introduction) section sets out that the guidance doesn't cover the range of possible licensing requirements but concentrates on issues which have caused difficulty in the past or remain of significance. This is unfortunate as comprehensive guidance covering every issue (as provided in other areas of licensing) would reduce local interpretation and varying standards, which is very much a source of concern for the trade and for some authorities. However, this point does not detract from other areas of the guidance which are good.

Chapter 2 sets out the role of taxis and PHVs and recognising the importance of the sector by emphasising that they are part of the wider transport network and relied upon by many.

Chapter 3 discusses the role of the Licensing

Authority and emphasising the role of licensing to protect safety, whereas the previous version sought a more balanced approach. There is an also added emphasis on accessibility and affordability.

The reiteration in chapter 3 of the role of licensing authorities – to protect the public – is important, and for me underlines the challenges of 'out of area working' – a concern for many local authorities and the trade which is briefly addressed later in Chapter 6 of the guidance.

Chapter 3 contains a new reference to the Regulators Code emphasising the importance of a proportionate approach to tackle issues which affect safety for both drivers and passengers and enable fair competition. Whilst it is a requirement for Authorities to have regard to the Regulators code, I consider that the point of licensing is preventative and should try and stop an issue from emerging in the first place. The guidance is clear throughout this chapter that the overriding objective is to protect the public and potentially having to



Photo by Darya Tryfanava on Unsplash

evidence a policy which is intended to be preventative and build confidence may be a juxtaposition.

There are many noteworthy points within Chapter 3 for authorities to consider in terms of resilience planning undoubtedly due to the difficulties posed during covid and underlines the importance of consultation at a local level as per the Statutory Standards.

The significant issue of accessibility is dealt with in Chapter 4 which takes a much stronger approach to the importance of ensuring customers can access the service. The guidance suggests that Councils should 'incentivise' availability of accessible vehicles where mandating them would be inappropriate. It would be helpful if there was further guidance on this point. It is well established that accessible vehicles are more expensive to purchase and run, and as such it is difficult in the current financial climate for authorities to provide much in the way of incentives which will benefit prospective purchasers. A reduced licensing fee of a few hundred pounds over the life of a vehicle isn't going to make much difference when the wider costs of purchasing and running a vehicle are considered in areas where accessible vehicles are not mandated. The guidance goes as far as to say that

authorities should take action to ensure there are sufficient accessible vehicles. Again, more guidance on this point would be welcomed, as the only way to ensure that vehicles of a certain type are provided is likely to be through mandatory requirements, which would either be unpopular or lead to disparity in areas where there is a mixed fleet.

Chapter 4 also makes a new reference to inclusive service planning. Local transport planning is a county or unitary authority function and consequently will be a new duty on district/borough licensing authorities.

Enforcement of the licensing regime is tucked towards the back of the 2010 guidance but promoted to Chapter 5 of the new draft, reiterating the importance of this function from the Statutory Standards. The chapter suggests a range of other enforcement measures such as mystery shoppers and use of Community Safety Accreditation Scheme powers. Chapter 5 also provides some useful clarification on the use of points-based systems, and the position on interim suspensions as per the Cardiff v Singh judgement.

Chapter 6 deals with driver licensing with a

number of important additions. The 'fit and proper' test from the Statutory Standards is repeated, and the adoption of a higher medical standard for licensed drivers confirmed. There is a marked change in the change in the position for driving proficiency assessments, recommending that licensed drivers should demonstrate a higher degree of driving ability.

The importance of safeguarding awareness as per Statutory Standards is reiterated and the guidance recommends that disability awareness is also considered. Whilst there is an acknowledgement that vocational training has benefits, surprisingly the guidance recommends against this which seems at odds with the current guidance and other measures in the guidance Statutory Standards to improve the service offered.

Chapter 6 also introduces the concept of 'intended use policies', where hackney drivers are undertaking predominantly 'pre booked' work in another area, going so far as to suggest that such a policy should be introduced.

Out of area working takes place in one of two ways. Either a local authority licences large numbers of drivers/vehicles who then go on to work outside of that area,

or a local authority area is inundated with large numbers of drivers/vehicles licensed by other authorities. In the latter case, where a local authority (like mine) has large numbers of vehicles/drivers from elsewhere, it significantly reduces our ability to protect our residents as our standards are not upheld and our efforts are undermined by the lack of powers and resource we have to deal with the issue.

The role of the licensing authority is to protect the public, not to licence as many vehicles or drivers as they can. Authorities who knowingly allow their licence holders work in other areas should consider the impact this practice has on other authorities and members of the trade who want to serve their residents. Whilst the issue of a driver's 'right to roam' was considered in the Knowsley case, the inclusion of 'intended use' within the guidance is welcome in lieu of any statutory stance on this issue.

Private Hire Operator licensing is considered in Chapter 7. Considering how differently Operators can now 'operate' following advances in technology since 2010 there is a welcome update to this chapter and a lot of new material. There is also a recognition of the role in which operators can have in training and safeguarding awareness.

There is reference to a 'fit and proper' test for operators, although the guidance doesn't go so far as to suggest what that test could be as it has done for drivers, save for checking available company records. The objective in licensing private hire operators is public safety again, and this is critical given their role in matching up passengers with vehicles and drivers, and the level of information operators handle (home addresses and often dates when properties may be vacated for example). It is vital that the operator, and their staff are vetted. The statutory standards recommend that licensing authorities request a Basic Disclosure from the DBS when considering PHV operator licence applications, as they are not eligible for standard or enhanced disclosures, but it would be useful as well to mirror the fit and proper test. Guildford for example has adopted the following test:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes? Would I also be confident that this person would operate a professional and reliable service, at a time it is needed, and take reasonable steps to safeguard both passengers and the ability of the local licensing authority to protect the public if required?" (If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there

are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.)

I will be submitting to the DfT that this test be used.

Elsewhere the guidance does reference compliance with health & safety and employment law as relevant considerations about propriety again reflecting considerable interest in this area over the past couple of years. It would perhaps be relevant to include an Operators responsibility with respect of data protection so that this consideration can be factored into the expectations of Operators.

Chapter 8 deals with vehicle licensing with much new and useful information, although there is no reference to a propriety test as mentioned in the Statutory Standards.

Vehicle licensing earlier is an issue of concern due to variation of minimum standards between authorities, and unfortunately the attempt by the guidance to balance safety against a too restrictive approach is highlighted by contradictions between paragraphs 8.3 and 8.9. Paragraph 8.3 indicates that it may be too restrictive to licence vehicles for less than their seating capacity, whereas 8.9 states that seating capacity can be restricted for reasons of comfort and safety. A clear position for all Authorities is needed to prevent inconsistency.

The guidance does provide some clarity is around the question of tinted windows which is a 'hot topic' for many due to the increased use of factory fitted privacy glass. The guidance suggests that factory fitted glazing should not be removed due to the costs unless there is evidence to justify such a position.

There is some useful guidance on imported vehicles, and a suggestion that vehicles should be tested once a year. The legislation sets out that vehicles can be tested up to 3 times during the course of a licence, and given the intensity of use of most licensed vehicle compared with average 'domestic' cars, only testing a licensed vehicle at the same frequency is perhaps surprising, particularly given that failure rates for MOT inspection run between 20-25%. There is however acceptance that more frequent testing for older vehicles may be appropriate with a view to dropping 'arbitrary' age limits.

Vehicle signage is a potentially contentious issue with the guidance appearing to favour minimal signage on PHVs, with only a licence plate and 'pre booked' door sticker. The argument is that vehicle liveries may result in PHVs being mistaken for hackney carriages, but there is a contra-argument that making

vehicles easily recognisable as private hire licensed vehicles is an important public safety feature. It will be interesting to see the feedback on this point.

Moving to another subject close to my own interests, chapter 10 discusses taxi fare rates recognising the Competition and Market Authority guidance of using fares to mismatches between supply and demand. Chapter 10 also recommends the use of a 'simple formula' for setting fares, and again it would be beneficial for this to be identified in order to ensure a consistent approach.

Chapter 11 contains new guidance on taxi ranks and other infrastructure which should help ensure that authorities regularly review this important provision, although in practice this is often difficult in already busy town centres where space is at a premium.

The final chapter (15) highlights the recent tax checking requirements and there are a number of appendices, repeating the current PHV licensing guidance and model Byelaws, although changing hackney carriage byelaws is notoriously difficult. The most useful appendices are the driver 'daily check sheet' which should be completed prior to using the vehicle each day and a number of sample notices and safety guidance.

Consultation Details

No doubt the guidance will be subject of much discussion between local authorities and within the industry, and undoubtedly the guidance is likely to be subject of many LoL events and publications this year, and after its final release.

The Department for Transport have been clear that they wanted as much feedback as possible on the consultation. The consultation period began on 28 March 2022 and will run until 23:45 on 20 June 2022 with more information is available at: <https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-best-practice-guidance>.

Clearly, however this guidance changes from the consultation draft, there will be significant changes for both Local Authorities and the licensed trade and I would encourage members of the trade to consider its contents and feed views back to the DfT as there is still time for LoL Members to put their views forward.

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

Link



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