



**"Despite an absence of taxi news from the Government, there is still plenty of licensing news to report on."**

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# Foreword



By Sue Nelson, Executive Officer

I hope that you are reading this edition of LINK on a sunny day in the UK, it is after all the Summer edition. We can only hope our Great British weather gets the memo!

This edition of LINK includes as always, a great range of articles starting with Mike Smith's thoughts on taxi and private hire licensing under a new Government along with a brief look at the recent High Court decision in DELTA and what that means for licensing. The article is a good reminder that the IoL is currently consulting on its revised Suitability Guidance, and we urge members and stakeholders to take the time to let us have your considered views on the revised draft. The consultation will close on 30th September.

Mark Balaam summarises the key safety issues for hospitality operators to consider and suggests ways to address those issues, while Sam Mathys introduces the 'Hackney Nights' Project which has been instrumental in Hackney in building and strengthening partnerships between hospitality operators and regulators. Hackney Nights was one of the projects highlighted by Tim Spires and Sylvia Oates at the IoL's Summer Training Conference in London in June.

Putting customers first is the message from Crown Leisure and our article features Andrea Rushworth who explains the ways in which the company put customers wellbeing at the heart of its operations. Shannon Oliver updates on her previous article reminding us of the issues around courier fraud and how taxi and private hire vehicles can be unwittingly used to facilitate fraudulent activities aimed at the most vulnerable in our society.

Louis Krog provides the latest on Apprenticeship developments, through his work with the trailblazer group reviewing the Regulatory Compliance Officer Apprenticeship. A big thank you to Louis for all his hard work on this, alongside his other work as the National Communications lead for the IoL and additionally his invaluable help and involvement in preparing the IoL's new website ready for integration with the new CRM and online learning platforms. We hope to have news on the launch date for the new system over the coming weeks.

Finally, we hear from Dr Laura Harvey about the latest survey commissioned by Alcohol Change UK, who are calling for tighter controls on alcohol deliveries and potentially a review of the existing licensing laws. There will be other views on these points, and we hope to follow with further perspectives in forthcoming editions of LINK.

Enjoy this edition of LINK. The Autumn edition will follow in November and will be issued to coincide with the start of the National Training Conference which returns to the Crowne Plaza in Stratford-upon-Avon from 13th – 15th November – we are looking forward to seeing many of you there!

Finally, a reminder that nominations are currently open for the annual Jeremy Allen Award. Full details are on the website, but for any queries please contact the team via email to [info@instituteoflicensing.org](mailto:info@instituteoflicensing.org)

Many thanks as always to our contributing authors, and advertisers – LINK wouldn't be possible without the support from everyone. Anyone who is interested in providing an article for future publication, or simply suggesting topics should contact the team via email to [link@instituteoflicensing.org](mailto:link@instituteoflicensing.org).



# Taxi licensing – what’s occurring?



By Mike Smith, Licensing Manager, Guildford Borough Council

A very busy time for local authorities recently with the run up and execution of the General Election, and now we wait to see what the new Labour Government might have in store for the licensing world. Labour takes the reigns after 14 years of Conservative Government and at a time of increasing financial pressure for a country still recovering from the effects of the Covid-19 pandemic and the cost-of-living crisis.

17 July saw manifesto commitments of economic stability, cutting NHS waiting times, and establishing GB Energy form part of the King’s speech, although a notable absence of any mention on potential reform of the Taxi and PHV sector in the speech, or in the new Transport Secretary Louise Haigh’s press release outlining the following 5 key priorities a week earlier (10 July):

- improving performance on the railways and driving forward rail reform
- improving bus services and growing usage across the country
- transforming infrastructure to work for the whole country, promoting social mobility and tackling regional inequality
- delivering greener transport
- better integrating transport networks

However, despite an absence of taxi news from the Government, there is still plenty of licensing news to report on.

## Court of Appeal discharges operator "principal" declaration made in Uber v Sefton

The Court of Appeal has overturned the earlier judgement from July 2023, which had held that in order to operate lawfully under the Local Government (Miscellaneous Provisions) Act 1976, operators had to contract with passengers to provide the journey the subject of the booking.

However, following an appeal and despite the Government consultation on addressing the then potential VAT effects of the 2023 decision, the Court of Appeal decision means that outside of London we are effectively back to the original position in relation to contractual arrangements between operators and passengers.

In the Court of Appeal judgement, Lord Justice Lewison, upheld the appeal, saying:

*"The circumstances in which a booking might be*



made are potentially very varied. The person who makes the booking may do so on behalf of someone else without incurring any contractual liability. Obvious examples are a restaurant arranging a vehicle for a diner who has finished their meal, a carer requesting a booking for a vulnerable person, a hospital arranging for a patient to be collected, a receptionist booking a car for a visiting client and so on. Moreover, a booking may not necessarily specify any journey; or even be made for a journey at all. A vehicle may be booked simply to be on stand-by. It is thus plain (and indeed is now common ground) that the declaration made by the judge is inappropriate. It assumes that the booking is made by "the passenger", which is not necessarily the case, and it assumes that the contract is one "to provide the journey" which is also not necessarily the case. In addition, the declaration as made stated that the operator was required to contract in order to operate "lawfully". The implication from this (although not spelled out) is that if the operator did not enter into a contract, it would be committing a criminal offence, even though there is no statutory provision that creates such an offence."

### **So what does this mean?**

IoL President James Button will provide a detailed review

of the position in the November edition of the Journal of Licensing, but in summary, the decision indicates that there does not need to be a contract in place between operator and passenger.

This puts the rest of England and Wales at odds with the position in London where there is contract between operators and passengers. Whether this will result in operator's leaving the big smoke to be licensed elsewhere where contracts and VAT implications will not apply remains to be seen but it is extremely likely that at least some will do so considering the impact this is likely to have. It will clearly will not help existing concerns about out of area working.

### **And what about Councils?**

For Council's, our role is to make sure drivers, vehicles and operators are safe. Part of that rationale of safety is to make sure that not only are drivers 'fit and proper', and vehicles roadworthy and insured, but also that operators provide a service to customers when it is needed, i.e. a car shows up when a booking is accepted.

The judgement however describes passenger safety being "ensured by the suitability of the vehicle and the fitness and competence of the driver". It continues that



“the passenger is adequately protected if they know that, if anything goes wrong with the hire, they have contractual redress against the operator that accepted the booking.”

It is obviously a theme of the judgement that the person who made the booking may or may not be the putative passenger and it is the passenger who is to be protected; not anyone else. The passenger (whether or not they made the booking) needs to know that a licensed vehicle will arrive at the appointed time and place. Passengers are less likely to worry about the contract arrangements and much more likely to worry about how they will get home, or whether they may miss their flights etc. Contractual redress is no help when the immediate need for the journey is not fulfilled, and passengers are potentially left in vulnerable positions or facing financial loss or other consequences.

Licensed operators will always strive to fulfil bookings made through them; however, this judgement seems to indicate that it is for the licensing authority to attach a suitable condition to an operator licence if it is concerned about disappointing expectations if a driver fails to arrive – a strange conclusion to arrive at given the accepted role of a private hire operator and the

purpose of an operator’s licence.

For councils there is a very real risk that any time saved in not having to check VAT and contractual arrangements, may instead be taken up in resolving potential complaints about unfulfilled journeys, or dealing with disputes about responsibility for an issue arising during a journey between operators and drivers in the event of a complaint.

Consequently, decisions around safety will be called very much into focus leading nicely onto the IoL's consultation on the review of its Suitability Guidance:

## **IoL Consultation: Review of Suitability Guidance for taxi and private hire licensing**

The Institute of Licensing (IoL) invites views from all interested parties on its draft revised guidance: ‘Suitability Guidance: Guidance on determining the suitability of applicants and licensees in the taxi and private hire industry’. (link: <https://files.constantcontact.com/809c3e67001/1a990bce-f748-48b1-b9f1-9e524e18003d.pdf>)

The Guidance is intended to assist local licensing authorities in considering their own local licensing policies on determining the suitability of applicants and licence holders for taxi and private hire licensing.

The original guidance was published in April 2018, and was closely mirrored in the annex at section 10 of the DfT’s Statutory Standards for Taxi and Private Hire Licensing, published in 2020. The review has been conducted by the IoL’s Suitability Guidance Working Group (the Suitability Group), chaired by Stephen Turner, Solicitor.

The group undertook an initial consultation exercise in September 2022, and received 114 responses as a result, all of which have been reviewed and considered by the Suitability Group in preparing this revised version.

The consultation is supported by an online consultation survey which is available online: [https://www.smartsurvey.co.uk/s/Suitability\\_Guidance\\_Consultation\\_July2024/](https://www.smartsurvey.co.uk/s/Suitability_Guidance_Consultation_July2024/) A print version is also available to download.

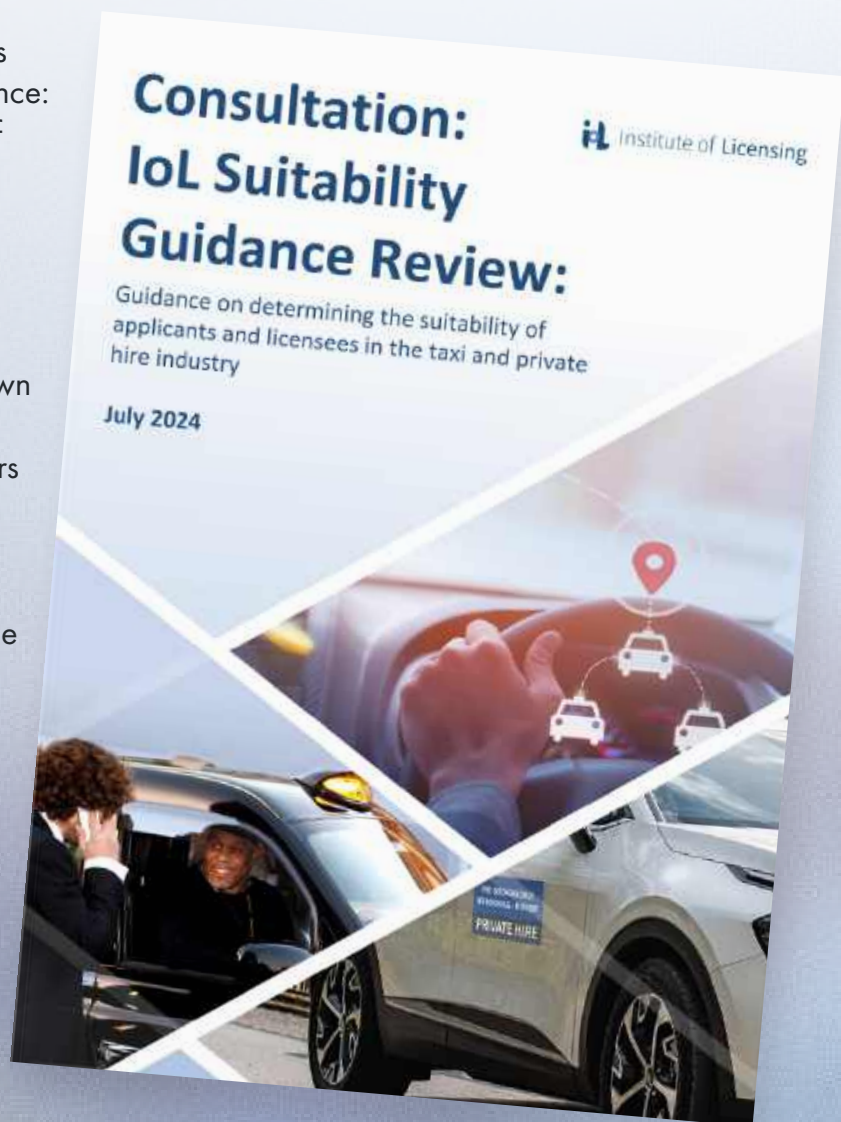


# IoL Consultation: Review of Suitability Guidance for taxi and private hire licensing

The Institute of Licensing is consulting on its draft revised guidance: 'Suitability Guidance: Guidance on determining the suitability of applicants and licensees in the taxi and private hire industry'. The consultation will close on 30th September 2024.

The Guidance is intended to assist local licensing authorities in considering their own local licensing policies on determining the suitability of applicants and licence holders for taxi and private hire licensing.

The original guidance was published in April 2018, and was closely mirrored in the annex at section 10 of the DfT's Statutory taxi and private hire vehicle standards, published in 2020.



## The Consultation

The consultation will close on 30 September 2024, and all responses should be submitted via the online survey available here:

[https://www.smartsurvey.co.uk/s/Suitability\\_Guidance\\_Consultation\\_July2024](https://www.smartsurvey.co.uk/s/Suitability_Guidance_Consultation_July2024)

# Addressing the key safety pain points in hospitality for licensed venues



By Mark Balaam, CEO of imabi

**H**ospitality is a rewarding yet challenging industry. One of the main challenges is ensuring the safety and wellbeing of staff and guests.

From managing unruly guest behaviour to ensuring staff commute safely after late night shifts to regulatory compliance: safety is a broad yet pressing topic that employers need to manage effectively.

Below, we look at some of these challenges, offering insight into how they can be effectively addressed.

## Managing guest behaviour to prevent violence or harassment

One of the significant challenges in the hospitality industry is managing guest behaviour to prevent harassment, violence, or other forms of disruption. It's an issue that's particularly pronounced during events, where the risk of these unwanted behaviours increases. Inappropriate behaviour can occur between staff and guests, among guests themselves, or even among staff members.

**Addressing the Issue:** Comprehensive guides and support lines can educate staff on recognising and reporting inappropriate behaviours. This education is crucial in preventing incidents from escalating. Providing a platform for the safe and confidential reporting of incidents ensures that all parties involved are protected and that management can take timely action. By fostering a culture of awareness and vigilance, hospitality venues can maintain a safer environment for everyone.

## Handling Workplace Violence and Guest Altercations

Training in conflict resolution and security measures is essential for managing guest altercations and workplace violence.

**Addressing the Issue:** Providing training resources and geo-location capabilities to help staff manage conflicts and ensure their safety enhances the ability of hospitality venues to handle violent situations effectively.

## Ensuring Staff Safety

Ensuring the safety of staff, especially those working late or in isolated areas, is another critical concern. Protection from workplace violence and harassment is paramount.

**Addressing the Issue:** Real-time reporting capabilities allow staff to report any behaviour they find inappropriate or threatening. This enables management to intervene promptly, addressing potential issues before they escalate into more serious incidents. Providing a platform for anonymous reporting empowers employees to speak up without fear of retribution, thereby enhancing overall workplace safety.

## Preventing theft, vandalism, and security breaches

Hotels and resorts are vulnerable to theft, vandalism, and security breaches, posing significant risks to both property and individuals.

**Addressing the Issue:** Enabling staff to anonymously





report suspicious or incriminating behaviour allows management to investigate and address issues before they become major security threats. By fostering a culture of accountability and vigilance, hospitality venues can better protect their assets and ensure a secure environment for guests and staff alike.

### Licensing Compliance

Compliance with licensing regulations, particularly the Licensing Act 2003, is essential for hospitality businesses that serve alcohol. This includes ensuring age verification and responsible service.

**Addressing the Issue:** Hosting clear and concise information regarding licensing compliance, including contact numbers for decision-makers and management, ensures that staff are well-informed and can adhere to regulatory requirements, reducing the risk of violations and associated penalties.

### Health and Safety Compliance

The Health and Safety at Work Act 1974 mandates that employers provide a safe working environment. Compliance with this act is crucial for the wellbeing of both employees and guests.

**Addressing the Issue:** Providing access to essential health and safety information and contact details for relevant authorities ensures that staff are aware of their responsibilities and can take appropriate actions to maintain a safe environment.

### Fire Safety Compliance

Meeting regulatory requirements for fire safety,

including evacuation plans and staff training, is a critical aspect of hospitality management.

**Addressing the Issue:** Hosting detailed information on fire safety regulations and providing contact details for management ensures that staff are well-prepared to handle fire emergencies, thereby protecting lives and property.

### Data Protection and GDPR Compliance

Compliance with the General Data Protection Regulation (GDPR) is essential for protecting the personal data of guests and employees.

**Addressing the Issue:** While staff are typically trained on GDPR, reinforcing this training by providing clear scripts for explaining data protection practices to customers ensures that staff can confidently handle data-related inquiries and maintain compliance with GDPR.

### Employment Law and Fair Treatment

Adherence to employment laws is crucial for ensuring fair treatment of employees and maintaining a positive work environment.

**Addressing the Issue:** Providing a confidential reporting mechanism for staff to report issues related to unfair treatment helps businesses address and resolve employment issues promptly, fostering a fair and supportive workplace.

### Ensuring Accessibility and Preventing Discrimination

Compliance with the Equality Act 2010 requires hospitality venues to provide accessible facilities and services for guests with disabilities and promote equality and diversity within the workplace.

**Addressing the Issue:** Reinforcing accessibility training and providing clear scripts for staff to explain accessibility features to customers, along with hosting maps and information that are readily available to both customers and staff, ensures that accessibility needs are met.

### Training and Development

Ongoing training on relevant regulations, customer service, and emergency procedures is essential for maintaining high standards in hospitality.

**Addressing the Issue:** Offering continuous training resources ensures that staff are always up-to-date on best practices and regulatory requirements. This ongoing education helps maintain a high level of service and compliance.

## Community Engagement

Building positive relationships with the local community and addressing concerns related to noise, nuisance, or disruption is important for hospitality venues.

**Addressing the Issue:** Noticeboard and messaging capabilities facilitate outreach to the local community, enabling businesses to address concerns and foster positive relationships.

## Managing Workload and Stress

Hospitality jobs often involve long and irregular hours, leading to fatigue and stress. Adequate rest periods, breaks, and mental health support are crucial for managing these challenges.

**Addressing the Issue:** Pointing staff to support organisations and providing guidance on mental health and wellbeing helps reduce the impact of long hours and high-stress environments. Promoting a culture of self-care and providing resources for stress management can significantly improve employee wellbeing.

## Addressing Security Concerns

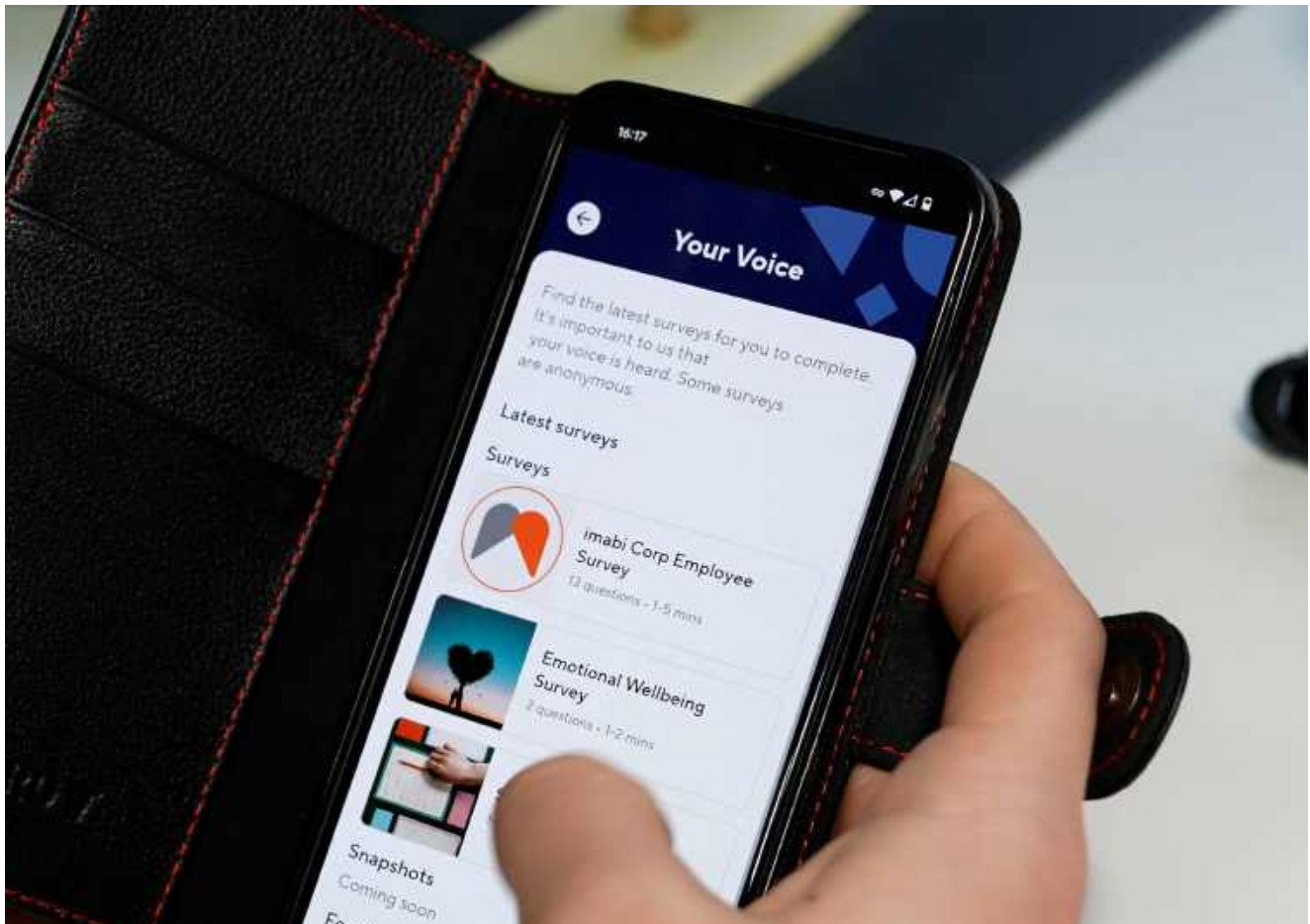
Employees, especially those handling cash, face risks related to theft or robbery. Effective security measures

and training can mitigate these risks.

**Addressing the Issue:** Emphasising training and providing geo-location capabilities to ensure that staff are safe helps businesses better protect their staff from security threats. Knowing where employees are and when they've reached safety enhances security measures.

In conclusion, addressing the key pain points faced by licensed hospitality venues involves a multifaceted approach that includes education, real-time reporting, and continuous support. By implementing these strategies, hospitality venues can create safer, more compliant, and more supportive environments for both staff and guests, ensuring a high standard of safety and service.

Our dedicated workplace app, imabi Pro, assists employers in actively engaging with safeguarding and providing support to their staff – both within and beyond the workplace. In addition, by having comprehensive solutions for all these pain points, businesses will naturally reduce legal risks. And if something should go awry, employers can evidence they looked to prevent it through the use of innovative technology.





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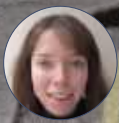
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# Courier Fraud



By Shannon Oliver, Regional Fraud Development Officer, West Midlands ROCU

## What is Courier Fraud?

Fraudsters will contact the victim via a landline or mobile device and claim they are from the police or the bank. They might also claim to be from HMRC or similar organisations. The criminal will explain there is an investigation occurring and they need the victims support. This might include handing over their bank card and pin number to a 'courier' pretending to be a police officer or the bank's fraud department. They will provide a positive reason for needing the victims card and pin, such as the victim is supporting an investigation. The criminal might also ask the victim to attend a bank to withdraw money or a shop to purchase a high value item like gold or watches. They will again provide an excuse as to why they need this.

Fraudsters use highly sophisticated methods to convince you that they are who they say they are as well as threatening violence if you try to disengage. Victims are often over 75 years old and vulnerable, creating a perfect storm where fraudsters use manipulation to groom you into believing they are someone to be trusted. The truth is they are not who they say they are and you are being used for financial gain.

On top of this, fraudsters will book taxis or hire private cars which will then transport victims to banks and shops. The police have known some victims to be transported nearly 100 miles away from their home address for purpose of obtaining high value goods and money for fraudsters. It is not unusual for victims to be instructed to travel from their home to London and they might be asked to do so multiple times by the fraudsters. The

combined stress of being threatened, losing life savings and being transported to an unknown location has caused victims not just financial loss but emotional and mental harm that has even resulted in some victims trying to end their life.

It should also be noted that Courier Fraud is often used to fund further organised crime. This impacts all of us in some shape or form. It is for this reason that law enforcement class Courier Fraud as a High harm crime type that can have a severe impact on the victim and the community.

## Work with the Licence and Regulatory bodies

Work has been done with the licencing and regulatory bodies across the country to raise awareness of the issue posed by courier fraud. This includes the difficulties posed by fraudsters using taxis and private car hire companies to transport victims and themselves. In June 2023, fraud protect officers provided some training to Licencing and regulatory teams to increase general understanding of how taxi and private car hire companies might be abused by fraudsters. This has led to a heightened awareness across these bodies and the businesses they work with on the topic of courier fraud. Further to this, in January 2024, I attended a safeguarding event to raise awareness of how we can protect businesses, members of the public and vulnerable individuals. Both were positively received, however, there is a lot more to be done to tackle this high harm offence.

The National Fraud Intelligence Bureau (NFIB) reports



that across England and Wales between May 2023 and May 2024, 1,424 reports of Courier Fraud were recorded and that the total amount those victims lost was £16.4million. That's an average £11,516.85 lost per victim. And this is just the tip of the iceberg as courier fraud, like most fraud, is underreported. This means that in reality, those numbers will be much higher.

### What can you do to help?

Taxi and private car companies, along with other businesses, might be abused by courier fraudsters. However, these businesses can also play a key part in protecting members of the public. Here are some red flags that might indicate a Courier Fraud is occurring;

- An individual looks nervous, stressed or frightened and has been instructed to attend a bank, post office, jewellers or shop selling high value goods.
- An individual is seen carrying their bank cards, large amounts of cash, watches, gold bullion, a large amount of foreign currency or other high value goods.
- They might be secretive about why they are travelling or why they might have the above items on their person as they believe they are supporting a police investigation.
- The victim might be followed or approached by individuals they do not know.

What can you do;

- Taxi drivers are asked to be aware of this crime type and remain vigilant. Drivers are asked to be vigilant of journeys to and from local train stations

by potential couriers. If you suspect a courier is in your taxi, wait for the Courier to leave and call 999 and explain the situation. The relevant force will be notified and deploy a police response.

- If a driver is asked to take an elderly or vulnerable passenger to the bank, jewellery store etc, to be aware they may have been targeted. If you are concerned this may be the case, wait until it is safe to do so and dial 999 and report that your passenger may be a victim of courier fraud. You will be asked to supply the taxi vehicle index, location, and destination.
- Businesses are asked if they believe a customer is a victim of courier fraud, to provide details to the police including the items they have bought/the amount of cash they have requested. This includes gift cards and foreign currency.
- If there is CCTV at the premise, please present this to police or alert them there is CCTV footage of the customer
- Anyone can also contact Crime Stoppers on 0800 555 111, an independent charity that create an anonymous report, making sure it doesn't contain any information that could identify you. They share this anonymous report with the police so the fraudsters are brought to justice.
- Finally, here are some great tips to staying safe against Courier Fraud that we encourage you to share;
- Don't Assume Authenticity: Your bank and law enforcement will never call you out of the blue to ask for personal details, you PIN number or ask you to collect goods or hand over your bank card. Just because someone knows your basic details like




your name, address, or even your mother's maiden name, it doesn't make them genuine. Criminals often use personal information to build trust and appear credible.


- You can verify the credibility of any unsolicited calls, emails or messages by contacting the company, bank or police station. Make sure you find the number yourself and don't use the one provided by the caller. To confirm the legitimacy of a call, wait for five minutes before contacting your bank or police station. Criminals may stay on the line even after you hang up. Alternatively, use a different phone line altogether to contact your bank.
- Protect Personal Information: Keep your personal information private. Be cautious when sharing sensitive details, such as banking information, passwords, or security numbers. Use strong passwords for online accounts and enable multi-factor authentication whenever possible. Your debit or credit card is yours alone. Never let a stranger take it from you. Hand it over only at your local bank branch, and if it gets cancelled, destroy it yourself.
- Spread the word about scams and fraud prevention. Inform your family, friends, and community about the latest tactics, warning signs, and steps to take for protection


# Courier fraudsters are operating in your area!



**Stay wise, don't compromise. Know the warning signs and stay safe.**

 **Watch out for impersonators**  
Criminals often pretend to be from your bank or the police.

 **Keep your financial information secure**  
Never give out banking or personal details to anyone you do not know or trust.

 **Challenge suspicious calls**  
Your bank or the police will never contact you out of the blue to ask for personal details, PIN numbers, or offer to pick up your card by courier.



**Play your part in keeping your community and loved ones safe.**

If you think you've been a victim of courier fraud, contact your bank immediately and call West Midlands Police on 101. In an emergency or if a crime is in progress, call 999.

For more advice and support, visit [www.west-midlands.police.uk/campaigns/courier-fraud](http://www.west-midlands.police.uk/campaigns/courier-fraud)



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# Events - What's On / Online?

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



## Professional Licensing Practitioners Qualification

### Four Day Online Course

6<sup>th</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup> September 2024

#### Online via Zoom

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. This is an excellent course for Council and Police Licensing Officers, Councillors, Lawyers who advise licensing committees, managers of a licensing function and committee services officers.

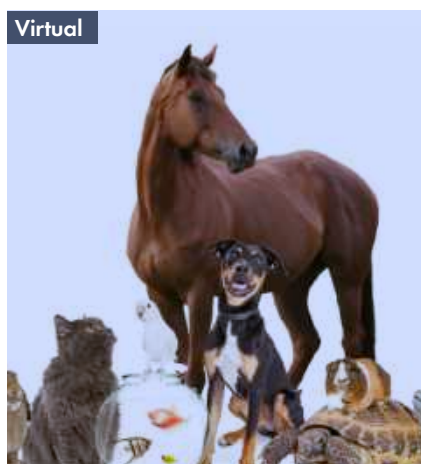


## Safeguarding through Licensing

30<sup>th</sup> September 2024

#### Online via Zoom

Safeguarding continues to be a major concern and an area where licensing is a key tool to obstruct and disrupt sexual exploitation of children and vulnerable adults. The Safeguarding through Licensing course brings expert speakers together to discuss how licensing can be used to its potential, as well as looking at real case studies across the country.



## BTEC Level 3 Certificate for Animal Inspectors (SRF) GROUP 18 (AIC199277)

1<sup>st</sup>, 10<sup>th</sup>, 22<sup>nd</sup> October, 5<sup>th</sup>, 21<sup>st</sup> November & 3<sup>rd</sup> December 2024

#### Online via Zoom

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

## Contact the IoL team

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



## Zoo Licensing Course

Two Day Course - 16<sup>th</sup> & 17<sup>th</sup> October 2024

**Warning Tongue Lane, Bessacarr, Old Cantley,  
Doncaster DN4 6TB**

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



Virtual

## Taxi Conference

3<sup>rd</sup> October 2024

**Online via Zoom**

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



Virtual

## Licensing Fees

10<sup>th</sup> December 2024

**Online via Zoom**

What may be lawfully included in the calculations of fees? Which licences can such fees be incorporated into? What are the rules generally about setting fees? Are you confident that the licence fees that your Authority sets and levies are lawful, and that you can resist any challenge?

Join us online via Zoom on 10th December 2024 with James Button delivering this Licensing Fees Course

Do you understand the Hemming and Wakefield judgements and their impact?  
Has Brexit made a difference?



# Putting the customers first



Article provided by the Gambling Business Group

In a recent interview with the weekly amusements trade paper Coinslot, Crown Leisure's Andrea Rushworth was talking about the leisure group's latest acquisition in the seaside town of Bispham, the amusements arcade Harbour Lights.

It was the standard line of business questions until the Content Manager made a curious reply when asked what Crown will bring to the new operation. "What we do in all our venues - if an 88-year old customer has lost her gloves, we'll go out and get her a new pair in time for when she goes home."

It was an answer that completely disarmed the reporter. "Gloves? Is that a new Crown promotion?"

Rushworth smiled. "No, but I like to think of it as a company philosophy," she said. "When people talk about customer care and protection - it can't just stay in the realms of a textbook," she explained. "Our gaming operations are about providing leisure and entertainment to people. Many of those people come from the local community, and that community is our community. So it's incumbent on us and all our colleagues on the high streets and seaside promenades to apply this rule. When that local customer, who was born not long before the Second World War, had lost her gloves, she was upset. Our manager sent one of their staff out to get a replacement pair. That's the level of

customer care that we must offer and always will offer. So, yes, that's the kind of crucial things that Crown brings to the new operation."

And, in fairness, that's pretty handy given the new operation in Bispham is one of those arcades that relies upon strong relationships with its community. You only have to read the familial social postings from customers to fully understand this - to them, the arcade is a community hub.

So, when the family who ran the Harbour Lights arcade decided to retire earlier this year, there was no one better equipped to take on that mantle than Crown Leisure. There was no chance of another shuttered retail unit appearing on another north west town high street.

Crown have invested significantly in its gaming operations - and in places where the wider business sectors are not always keen to queue up to put their money. But, in the space of just a fortnight, Crown had moved on site, refurbished and refitted the entire arcade.

No surprise here though: after all, they do have almost 40 operations out there from adult gaming centres to family entertainment centres, on seaside fronts to holiday parks and in the centre of the all-important high street. Crown are one of the leading operators in the seaside sector - and not without reason.



“When people talk about customer care and protection - it can't just stay in the realms of a textbook,”

But make no mistake: it's not just the gloves. It's sitting with a customer's wife while her husband attended a hospital appointment; providing Christmas dinners to customers who were on their own; telephoning customers that haven't visited for a while to check if they're OK or need help with shopping.

“This is second nature in our operation,” Rushworth said. “Our customers' well-being is paramount and that is the cornerstone of all our training programmes. It's imperative that our business model is laser focused on our customers.”

And that focus is as sharp on the technological side as it is on human relations. “All our team now operate with their iPads using the Smart Hub system,” Rushworth declared.

Important note here for the uninitiated: for a large swathe of arcades around the country, Smart Hub is one of the leading player protection and data software systems in the marketplace.

Rushworth explained in a little more detail: “It's all about the Smart Hub now. Everything is on there - it is the ultimate in player protection. In our AGCs, our team are able to keep an eye out on who is coming in, monitor customers for signs of gambling harm, check for information on the Smart Hub particularly relating

to crime, age checks, customer interaction and self exclusion. And our Crown Leisure team members are all trained to use it daily. And this data is available for licensing authorities to look at when they visit.”

At last year's IoL National Training Conference, Andrea Rushworth gave a presentation which included discussing many of the standard questions that she dealt with from licensing officers during visits from council officials in her time.

“A lot of officers like to check the noticeboards and are interested in the breakdown of machines in relation to the 20 percent rule. That may well change in the Gambling Review so we're ready to get that new information across as soon as it's confirmed. But it's useful to note that both the Gambling Commission and the DCMS consider this to be one of the outdated yet key restrictions that needs to be lifted and radically changed in the new regulations.”

Licensing officers are also keen to look at signage and discuss opening hours, and operators are always keen to enter into this discussion.

“There is a lot said about gaming and gambling venues, and much of it misplaced. Arcade operators are a vital part of high street and seaside town regeneration. They bring footfall to the area, employ local people and



invest six figure sums in raising the quality of retail units on the high street," Rushworth argued.

And it's a point worth emphasising she feels. On hours, for example, there is much debate around opening times, and Rushworth sees the benefits. "The night-time economy is very important to town centres and seaside resorts. It's crucial for local employment and the leisure offering for a sustainable local economy. And contrary to the standard, text book objections of bad behaviour and social disorder, well this just isn't borne out by any evidence."

And Rushworth went on to cite the efforts that operators such as Crown employ to ensure public and staff safety. Little is made of the raft of requirements that gambling premises must meet in accordance with their licensing objectives of keeping gambling crime free and keeping their staff and customers safe.

But, to the IoL's huge credit, every licensing officer is well aware of this, although the investment that companies make in this area are, perhaps, less high profile.

Charlotte Meller, general manager of the trade body the Gambling Business Group, added some detail: "From our own members alone, we've been advised of spends ranging from tens to hundreds of thousands of pounds on the necessary security including having high definition CCTV inside and outside premises. In fact, police have been known to access external CCTV footage as part of evidence of crimes taking place on the high street which are unrelated to the gambling premises. And then we mustn't overlook the important fact that many premises are part of Betwatch or similar schemes."

One of the most innovative and vital safety measures supported by gambling premises is WalkSafe which is designed to help any vulnerable people out late who may need a safe space for a short while. Meller again: "Walksafe provides accreditation for businesses that are open during evenings and offer support as safe havens. Many gambling premises appear on Walksafe safety maps where anyone feeling vulnerable when out at night can go into one of those safe havens. They can ask for help and stay until a taxi comes etc. Many of our national operators have signed up to this - in fact, all 280 of Admiral AGCs signed up to the scheme last year."

That said, Crown's Andrea Rushworth was impressed with licensing officers' understanding of the work gaming operators are doing in the community development area. "At last year's IoL conference in

which I had the privilege to speak at, I was pleased to hear one long serving police officer - now a licensing officer - explain how he had never had any crime and disorder problems with gambling premises. And it was a view echoed by others in the room who said they don't get complaints about gambling premises. As good as it is to hear, we are not getting complacent and it's really important that we, through the Gambling Business Group, continue to work in partnership with local authorities and address issues when they arise."

And now, in this new parliamentary make-up with a new Labour government determined to drive economic growth to fund regeneration - the UK's high streets will provide an important focus. And the record since pre-Covid days right up to now shows a single telling trend. One key sector, probably above all others, investing in the struggling high street is the gaming and gambling sector.

As the trade publication Coinslot noted in a commentary a while back: "For some this could be a controversial statement, but whether one gambles or not, and whether one likes gambling or not, gambling is a legitimate business that sits comfortably alongside your high street staples like Wetherspoons, Starbucks or EE and O2 - and with every justifiable right. It is the most regulated industry in the UK and most vigorously overseen by the Gambling Commission and the licensing authorities. The arguments against these businesses at many licence applications just doesn't stand up to any test of challenge."

Andrea Rushworth is a little more embracing and prosaic on this point, albeit equally persuasive. "We consider ourselves a key community hub to our customers. And our customers feel the same. But, so do our neighbouring businesses that benefit from the footfall our operations bring to high streets," she said.

And that footfall is particularly welcome considering the sustained year on year decline in high street visitors in the UK - in October 2023 that had already fallen 4.6 percent on 2022 - and that's in a year when the Covid aftershocks should have well and truly concluded.

But Andrea Rushworth remains optimistic about the prospects. "What businesses like Crown and our industry colleagues try to do is add to the reasons why people should go to their high street," she said. "And once they're there, they can see the multitude of things to do on a visit. From shopping to a coffee to a bit of entertainment in the adult gaming centre - there's a revival waiting on the high street and I feel that businesses like ours are helping to shape that."



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# Can we make Licensing more business-friendly?



by *Samantha Mathys, Night Time Economy Manager at Hackney Nights*

When I joined the council in 2019, my business background in hospitality and the entertainment industries meant I took on a unique role working within their Licensing Service. A dedicated late night officer is quite an uncommon role in London councils. Over the course of those first months, my role evolved into something bigger than I could have imagined. I created a project called Hackney Nights, which aims to take a more preventative and collaborative approach to building relationships with licensed premises.

I quickly understood that in order for us to deliver a safer, better managed night time economy, we needed a better relationship with venues across the borough. Hackney has one of the biggest night time economies in London - we have over 1,500 licensed premises and we have a very high number of grassroots, independent cultural venues. Within this, we have five very different night time economy areas; Shoreditch, Dalston, Hackney Wick, Stoke Newington, and London Fields and Broadway Market, which need different types of support.

One of the first things I developed was the Hackney Nights portal, an online platform created for night-time venues. Local licensees can log in to the site and access information and guidance around the sale of alcohol, including resources and training opportunities, all in one place. We now have 95% of all bars, pubs and clubs in

Hackney signed up to the portal.

As part of the Hackney Nights project, we also developed an in-house accreditation scheme which certifies venues that meet our values and licensing objectives. This scheme creates a local gold standard for venues to be guided by and aim for, helping more established as well as newer venues to follow best practice. We support venues to become accredited by providing example policies and procedures, policy advice, recommendations and on site visits and suggestions.

A new aspect we've developed is our noise reporting tool which lets premises access noise reports made about their venue within one working day. This online system has had amazing results - leading to a large reduction in commercial noise reports, specifically repeat complaints. In our experience, most complaints can be rectified quickly if the venue is made aware from the start, which means our simple method of notifying venues by email can nip issues in the bud.

In 2023, Hackney was fortunate enough to successfully bid for the Business Friendly Licensing Project from the Greater London Authority, which allowed us to expand the Hackney Nights portal to include the noise complaints tool. We also created a notification system for new planning applications, which alerts venues about plans for new residential developments





within 500 metres of their premises. We think that this approach is encouraging existing venues to take a more active and engaged role in the planning process. Another new addition to the Hackney Nights portfolio is our free advice service. Myself and my colleague essentially provide coaching and tailored support as we aim to build up the standard of venues, rather than break them down. We use our Hackney Nights accreditation framework to help venues be the best they can be and give any advice where it's needed. We also conduct "licensing audits", where we have an in person meeting with the venue and review their current list of conditions, providing advice to adapt business models where necessary. We have seen an increase in venues needing to go an extra hour to survive, to be able to pay their rent and staff.

I see our work as acting as translators and mediators. The public and private sectors are built in such different ways, with such different metrics for measuring success or addressing change, that it's about finding a common language. Before we started this work, night-time businesses would only really hear from the council when there was a problem – so those relationships were mostly based around negative issues rather than creating opportunities and working together. Our persistent engagement strategy, which involved visits to every licensed premises to introduce them to the scheme and enrol them on the portal has helped us build relationships and bring venues along on our journey.

I don't need to explain how pressures have affected our local pubs, bars and clubs as it is glaringly obvious how challenging these recent years have been. Local, independent or new venues are not always able to afford expensive consultants and barristers. Applications have become harder and harder for these young businesses, and the process can cause immense pressure on entrepreneurs. There must be an easier way.

I think in order for businesses to really thrive we need to be flexible. Complicated application processes will only affect our economic growth negatively. We need to make room for businesses to try out new ideas and prove themselves as positive contributors to the local landscape. London is getting more and more developed, and we need to think outside the box to ensure that our treasured night time economy can live side by side with our local residents. It is possible to achieve this, and we need to follow examples from other international cities. Schemes like Hackney Nights which are making it easier to access help and find encouragement is the first step towards this goal. Most entrepreneurs can live up to their potential as a responsible operator, if we allow them the space to do so.



# Update on Development of a Local Authority Licensing Officer Apprenticeship



By Louis Krog, Cheltenham Borough Council and IoL National Communications Officer

In Link 19 (Autumn 2023), I provided background information and context to this work. If you are new to this work, I recommend you read the autumn 23 Link Magazine. In this article, I will provide a further update on the progress made since then and the next steps.

In the Link 19 article I explained that the Institute for Apprenticeships and Technical Education (or “IfATE”) did not approve a standalone Local Authority Licensing Officer Apprenticeship standard. Instead, IfATE pointed us in the direction of the Regulatory Compliance Officer (RCO) trailblazer group that, it said, would be broad enough to meet our specific requirements - that we outlined in our “Knowledge, Skills and Behaviour (KSBs)” document we initially submitted to IfATE.

Needless to say we were disappointed with this decision but ultimately we had no real say or further influence regarding the outcome of the IfATE decision.

We therefore set off on the RCO review. As an employer lead review, I am grateful for the support of Anne Bettison from Solihull MBC and Tracy Howard from Babergh and Mid Suffolk District Council who are also flying the flag for licensing as part of the RCO trailblazer group.

The trailblazer group for the RCO review commenced in January 2024 and is now in full swing with a broad representation by local authorities, government departments, private sector, training providers and

professional membership organisations. It aims to complete its work and report back to the Institute for Apprenticeships and Technical Education (or “IfATE”) towards the end of the year.

IfATE has been very clear that the RCO apprenticeship standard must remain broad and generic. This is an important point because a broad and generic apprenticeship standard is adaptable. Through engaging with the trailblazer group, it has become abundantly clear that the real value lies in working with training providers (which is IfATE’s advice) to create training programs – within the RCO framework – that will meet our individual requirements for local authority licensing.

## Local Authority Licensing Officer Training Program

In light of the above, our efforts and time spent are now spent focussing on working with a leading national RCO training provider to devise a specific training program for local authority licensing apprentices.

From the outset of this work, we recognised that a competent local authority licensing officer, needed to go beyond just looking at compliance and enforcement (recognising that these are also very important). Our proposed Local Authority Licensing Officer Apprenticeship standard made clear that local authority licensing officers must, amongst others, have a clear understanding



of the legislation they are working with, be able to process applications within the scope of this legislation, understand local authority decision making, working in political environments, understand the importance of partnership and stakeholders, policy making but also the principles of compliance and enforcement.

Since the RCO apprenticeship standard already has a strong foundation in compliance and enforcement, we did not consider there to be a need for much work on this. In fact, there is already an existing bank of licensing relevant compliance and enforcement training modules and assessments that we agreed could simply be incorporated into the developing training program.

Where there were obvious gaps in the RCO training program were:

1. End-to-end application processing
2. Policy making
3. Inspections

### **End-to-end Application Processing**

Under this heading, we need to ensure the Licensing Officer apprentice has a “comprehensive understanding of the primary legislation, secondary regulations, official guidance and statutory Codes covering the spectrum of local authority licensing functions, duties, powers and responsibilities.”

To this end, we are working to incorporate formal provision for the licensing apprentice to act as case officer for a range of application types under, for example, the Licensing Act, hackney carriage and private hire legislation and potentially other licensing types (i.e. Pavement Licensing, Street Trading, Charitable Collections etc.) as part of their “Observation of Professional Practice” portfolio.

We are keen to ensure this includes end-to-end processing, to ensure the licensing apprentice is able to demonstrate they have the necessary knowledge and skills relating to:

- Relevant statutory requirements, processes & timescales
- Recording and progressing applications
- Consultation process and requirements
- Relevance and significance of representations
- Relevance of mediation as a tool
- Relevance of local policy
- Drawing up reports and presenting as necessary.

### **Policy Making**

Another important area of work we are working to incorporate is policy making. The initial proposed Local Authority Licensing Officer Apprenticeship standard included knowledge requirements around the “processes of drafting, consulting and approving local authority

licensing policy and understanding the role of licensing policy in a regulatory environment.”

In the developing training program, we are proposing to include a requirement for the apprentice to act as lead officer for a licensing policy review and implementation to ensure the licensing apprentice is able to demonstrate they have the necessary knowledge and skills relating to:

- Relevant statutory requirements, processes & timescales
- Understand the relevance and significance of local policy
- Understand the significance of local engagement and partnerships
- Understand local decision making, democracy and working in a political environment
- Drawing up reports and presenting as necessary.

## Inspections

Finally, we felt it was important to recognise the knowledge, skills and behaviours necessary to undertake a range of practical inspections and compliance visits relevant to the licensing officer role, recording details of these in accordance with local requirements and take the appropriate enforcement/compliance actions.

To achieve this, we are proposing to supplement the existing RCO practical briefs with additional requirements for the licensing apprentice to undertake the below as part of their professional practice portfolio:

- vehicle inspection - 1 x check compliance (proactive) & 1 x enforcement (reactive)
- premises-based compliance inspection for either Licensing Act 2003 premises or Gambling Act 2005 licensed premises

## External Bolt-on Courses

Part of the overall and complete RCO apprenticeship standards for local authority licensing officers, there will, likely, be a need for bolt on short knowledge and technical courses to run in parallel with the RCO course. The Institute of Licensing is well placed to support this aspect of the RCO apprenticeship standards for local authority licensing officers through the Professional Licensing Practitioners Qualification (PLPQ), Level 3 Certificate for Animal Inspectors (although noting there are other training providers for this course), the Level 2 Award for Personal Licence Holders and other external courses being looked at.

## When will we see a Local Authority Licensing officer apprenticeship standard?

We kicked off the work to develop and launch a Local Authority Licensing officer apprenticeship back in January 2023. It has been a frustratingly slow process for various reasons – many beyond our control. However, we have, and will continue to, persevere with this and since January this year we have made good progress as I hope this article outlines.

The developing training program for Licensing Officer’s apprentices, within the framework of the wider RCO standards, is beginning to take shape and will be further refined over the coming months until we have a complete training package, specifically designed for local authority licensing and one that will produce competent and confident entry level licensing officers. All going well, we aim to confirm the launch of this training program in time for this year’s November National Training Conference in Stratford.

Finally, it is important to point out that the RCO is a level 4 apprenticeship (equivalent to the first year of an undergraduate degree, or a Higher National Certificate (HNC)). Whilst it will therefore not produce fully competent and experienced Licensing Officers, it will provide a baseline entry level competency, covering the essential building blocks of local government licensing and underpinned by an evidence based portfolio of professional practice to build on.



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\*No Award in 2020 due to Covid-19

# Handle with care: The need for responsible alcohol delivery



By Dr Laura Harvey, Policy and Research Manager, Alcohol Change UK

At the click of a button, we can have pretty much anything delivered straight to our door, sometimes in less than 20 minutes. During lockdown, delivery services became a lifeline, especially to those of us who were vulnerable to COVID-19. This didn't just transform shopping habits. When pubs, bars and restaurants were shut, many of us replaced nights out with nights in, ordering food and drink at home.

The pandemic changed the way we drink alcohol. While some cut down, some of us found ourselves drinking more, and drinking more often. Alcohol delivery can make life feel easier, freeing up time for other things. But this can also make it easier for us to drink more than we'd like, and for under 18s to be handed alcohol on the doorstep.

A new survey commissioned by Alcohol Change UK shows that more needs to be done by apps, online shops, and delivery companies to take better care of the customers using their services when delivering alcohol. Our nationally representative survey explored the experiences and views of UK adults who regularly use alcohol delivery services (at least once a month for the previous three months). Respondents tended to drink often, with 61% drinking more than once a week. Almost half (45%) were drinking more than the recommended maximum of 14 units a week (equivalent to six pints of normal strength beer or lager or a bottle and a half of wine, per week). This is much higher than average for the UK, with most recent surveys reporting between 20-30% of the UK population drinking at these higher risk levels. With the harm caused by alcohol on the rise, the convenience of deliveries can be a double-edged sword. While the majority (53%) felt that alcohol

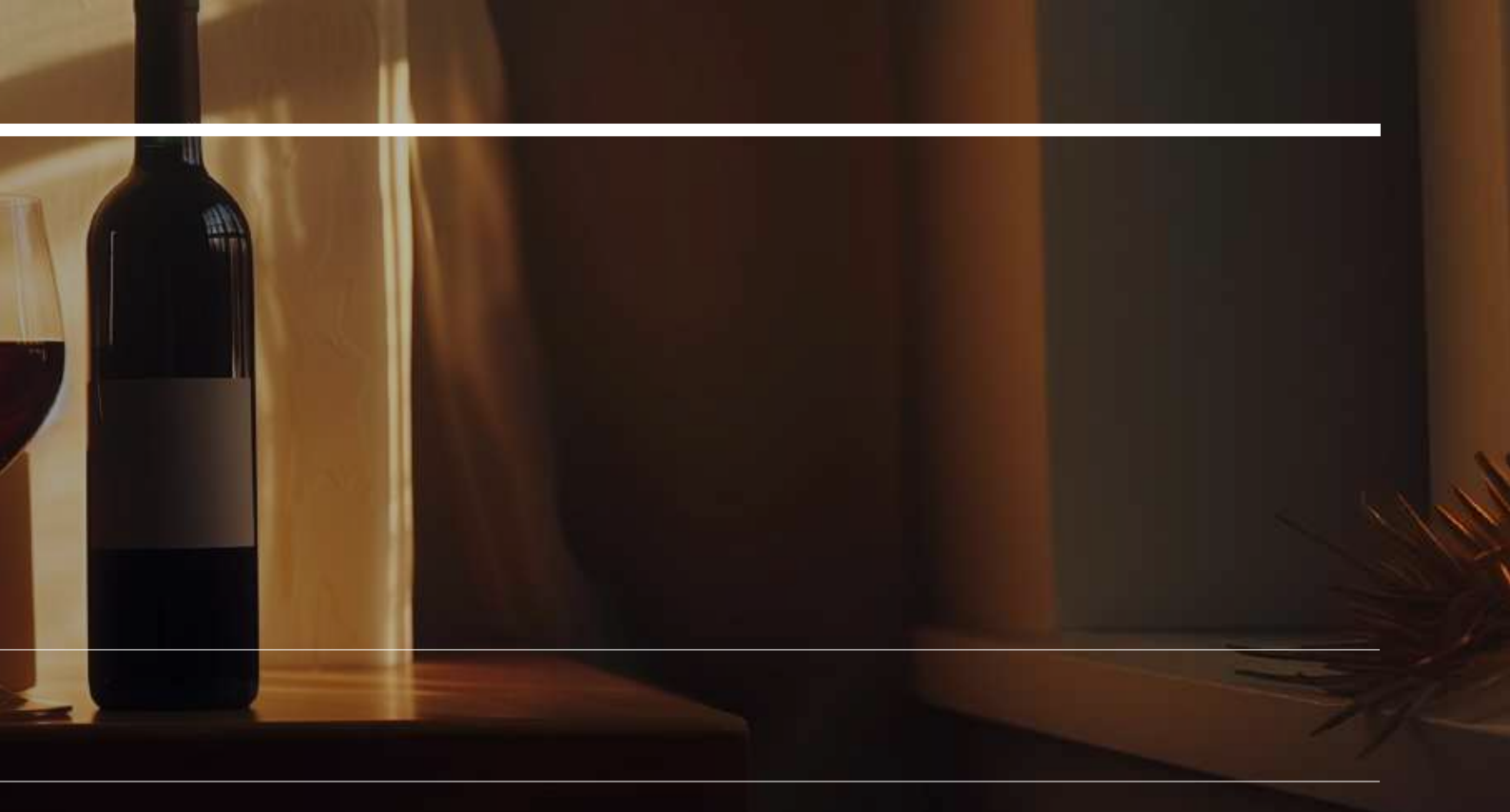
delivery hadn't had an impact on their drinking, 1 in 10 said they now drink alcohol on more days in the week, and 9% said they drink more on a typical day. Our research also found that people who reported drinking to cope with tension, depression and bad moods tended to order alcohol for delivery more often.

One participant in her 20s told us:

*"It is very convenient, effortless, and more anonymous. However, it increased the amount I drink, since I don't have to carry it myself or get ready to go to a shop. Saves time and there is little price difference."*

Increased availability of alcohol is linked to higher consumption and harm. Alcohol delivery can enable people to buy large quantities, for more hours in the day, and have these delivered very quickly. Just under half of our survey respondents (47%) had their most recent order delivered on the same day, with 11% receiving it in less than 30 minutes. Rapid availability allows people to extend drinking sessions when they might otherwise have stopped, with 30% of respondents reporting that they had ever ordered alcohol while drunk, and 35% telling us that they had ever ordered for delivery because they had run out of alcohol and wanted to continue drinking. Over half of those who ordered because they had run out (53%) said they would have stopped if the delivery service hadn't been available.

Previous research commissioned by Alcohol Change UK highlighted that delivery drivers need more time, training and support to help reduce potential harm from alcohol deliveries.



Research has also shown that alcohol delivery companies are not effectively checking that people receiving deliveries are over 18. Earlier research by Alcohol Change UK highlighted that age verification online is not effective, both in terms of the systems used online, and the failure of many delivery drivers to ask for ID. Most retailers have signed up to 'challenge 25', a commitment to always check ID for all customers who appear under 25. However, in our recent survey only 22% of 18-25s said that their ID was always checked when they have alcohol delivered. The lowest reported ID checking for this age group was for deliveries from subscription services (15%) and supermarkets (16%).

Online and mobile platforms have also transformed the way that advertising works. We can receive tailored marketing and click straight through to order. In our survey, 64% of respondents reported that they had been prompted to order alcohol for delivery by a promotion at least once in the last three months. This was even higher for 18-25 year olds (82%). At the moment, industry self-regulates marketing and advertising of alcohol. We need more effective restrictions on marketing via delivery platforms, including promotions, adverts and notifications.

Home deliveries can be helpful for people, especially those who find it difficult to get to the shops because of caring responsibilities, disabilities or juggling work and life. However, as researchers Thomas Babor and colleagues have argued, alcohol is 'no ordinary commodity'. This means that how it is promoted and delivered needs thought and care. Harm caused by alcohol is at an all-time high, from sleepless nights and anxiety, as well as injuries and illnesses like cancer. At

the same time, increasing numbers of people want to cut down their drinking. Both governments and retailers have a responsibility to reduce harms related to alcohol delivery.

What needs to change?

- **Improve age-checking for home deliveries**  
The sale of alcohol has massively changed since the Licensing Act 2003 was last updated, over 20 years ago. Age checking on delivery should be mandatory, with delivery drivers given training and enough time and support to carry these out.
- **Restrict alcohol marketing via delivery platforms**  
We should have more control over alcohol marketing, and be able to opt out. Online adverts can end up being seen by children and people who are trying not to drink alcohol. The government needs to carry out a formal review of advertising rules and bring in effective, legally binding restrictions that protect public health.
- **Update alcohol licensing laws to be fit for the digital age**  
Home delivery has expanded the number of outlets selling alcohol. We can buy alcohol 24/7 and have it delivered within 30 minutes. Our Licensing Laws need to be reformed to better respond to today's drinks market.



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