



LEGAL

Clifton Davies Consultancy Ltd

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Don't trip out on TripAdvisor

David Clifton advises how most appropriately to react to negative customer reviews on TripAdvisor

Whether TripAdvisor reviews are an invaluable marketing tool or a constant source of frustration is likely to depend on your own experience of them.

So what do you do when someone posts something appalling about their visit to your pub or bar?

TripAdvisor recommends that you should respond in a courteous and professional way, thanking the reviewer, addressing the specific issues and highlighting the positives.

However, that's easier said than done and some of you will decide to come out fighting and give back as good as you get. If you want an example of this, check out the Peacock in Bakewell on TripAdvisor for some forthright responses to critical customer reviews.

Others will despair that, regardless of how outrageous you believe a reviewer's comments are, a complaint to TripAdvisor may serve only to elicit a reply to the effect that you need to keep in mind that user reviews are individual and highly subjective opinions that the reviewer is entitled to express, and the review complies with TripAdvisor's submission guidelines.

Those guidelines ask that customers' reviews are unbiased, relevant to travellers, helpful, first-hand, recent, original, non-commercial and respectful of private information.

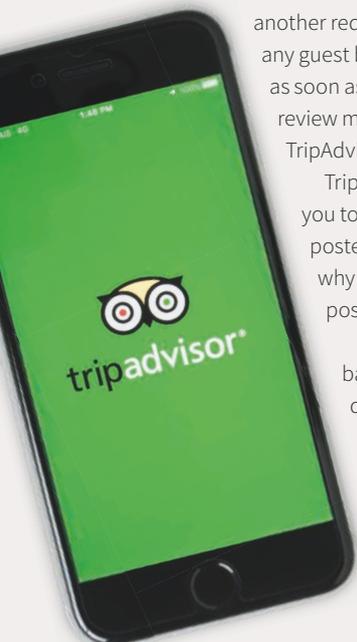
TripAdvisor says the most common reasons why content falls outside its guidelines are because it amounts to a personal attack, uses language that is not family-friendly, or comments about other reviews or reviewers. Sometimes it's because reviews are submitted for the wrong place.

It's not only a violation of its guidelines that will lead TripAdvisor to remove a review. It will also do so if it determines there is something otherwise improper about it. However, it says: "Simply disagreeing with the content of the review is not sufficient to justify removing the review," and that it "does not arbitrate or referee factual disputes".

Nevertheless, TripAdvisor is alive to potential "blackmail" occurring when, for example, a customer threatens to write a negative review unless they're refunded or another request is met. It recommends that you instruct employees to share any guest blackmail threats immediately and that you submit a report as soon as possible via its Management Centre, so that if a low-rated review matching the details of your report is submitted on your business, TripAdvisor's support team will be alerted and can investigate the position.

TripAdvisor also has a Notice and Takedown Procedure that enables you to give it notice of any defamatory content in customer reviews posted on its website. In such circumstances, you will need to explain why the words complained of are untrue and what you believe the true position to be.

However, do remember that, as far as the law is concerned, a bad review is not necessarily a defamatory review. It will be very difficult, if not impossible, for you to challenge any statements that are substantially true or that reflect a customer's honest opinion based on the facts that existed at the time. To succeed, you would also need to prove that the review has caused, or is likely to cause, serious financial loss to your business. Remember too, that if you engage in a reckless war of words on TripAdvisor's website, you could find yourself on the receiving end of a defamation claim yourself. 



QUESTIONS & ANSWERS

Q: When will we have to stop accepting the old £10 note?

A: Bearing in mind that the new polymer £10 was introduced as recently as 14 September, there are still going to be a lot of the old ones about for quite a while, which is why no specific date has yet been set for them to go out of circulation, although the Bank of England website says this will be in spring 2018, with at least three months' notice being given prior to the withdrawal date.

Q: We've got our first food hygiene inspection coming up. What must we get right?

A: You must get right everything that is required to meet national food law requirements. Check out what is said about food hygiene and food law inspections on the Food Standards Agency website. Particular issues on which the inspector's attention will be focused are food storage standards (including fridge and freezer temperatures), how hygienically all food is handled and prepared, and the condition and cleanliness of the building (including its lighting, ventilation and toilets). Bear in mind that all food handlers must be supervised, instructed and trained in food hygiene, so make sure that all relevant staff have been trained on your cleanliness and food handling policies. Good luck!

Q: We have a professional fireworks display planned for Bonfire Night. How late can the fireworks be set off?

A: The law normally prohibits fireworks from being set off between 11pm and 7am, but on Bonfire Night the cut-off time is extended until midnight. This year, Bonfire Night is on a Sunday, so check your licence to see whether you need a Temporary Event Notice to stay open later for alcohol sales or to serve hot food and drink after 11pm. You'll need to get a move on if you do. You should also check with your council to see if it has any local rules about setting off fireworks. If you are planning a late display, it would be best to tell your neighbours as well as all the usual authorities.