



Report to: Licensing Committee Meeting – 1 December 2022  
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Report Summary	
<b>Report Title</b>	Drink Spiking
<b>Purpose of Report</b>	To inform Members of the Government’s response to the Home Affairs Select Committee report on Drink Spiking and to identify any changes required to Newark & Sherwood’s Statement of Licensing Policy.
<b>Recommendations</b>	That Members: a) note the Home Affairs Select Committee’s recommendations and the Government’s response; b) support the inclusion of spiking, sexual harassment and gender-based violence in the Statement of Licensing Policy when it is next reviewed; and c) support the work taking place with the Police and licensed trade to address drink spiking and violence against women and girls.
<b>Reason for Recommendations</b>	To assure Members that the licensing authority’s Statement of Licensing Policy has suitable and up to date content to address the issue of Drink Spiking

## 1.0 Background

- 1.1 Drink spiking is when someone puts drugs or alcohol into a person’s drink without their consent. It can include putting alcohol into a non-alcoholic drink, adding extra alcohol to an alcoholic drink or slipping prescription or illegal drugs into an alcoholic or non-alcoholic drink. It can be difficult to tell whether a drink has been spiked, as substances used for spiking usually have no taste, odour or colour. Needle spiking is when someone injects a victim with a substance using a hypodermic needle (or other form of administration such as a combi-pen).
- 1.2 Drink spiking has existed in the UK for many years and police data suggests it occurs most often (although relatively rarely) in the night-time economy. Recorded crimes for drink spiking have increased every year between 2016 and 2019, with 1,903 crimes that could be related to spiking reported in 2019. However, many believe that spiking is an underreported crime, and that the true figure of spiking occurrences is likely to be much higher.

- 1.3 The Home Affairs Committee published its report on Drink Spiking on 26 April 2022. The report included 12 recommendations. The Government has recently published its response addressing the recommendations made.
- 1.4 The 12 recommendations made by the committee are set out below with the Government's response.

*Recommendation 1 - That all staff working at music festivals, including vendors, be given compulsory safeguarding training, and this be a requirement that licensing authorities consider when approving events. This might be done along lines similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI).*

Government Response- The Government agrees with the Committee that safeguarding training for staff is vital to ensure people attending events such as festivals can do so safely. The Government welcomes initiatives such as Ask Angela and LSAVI and would encourage local areas to consider how they can be used or replicated where necessary.

*Recommendation 2 - We call on the Home Office to increase education and awareness about spiking and welcome its considering whether a specific new offence of spiking is required. We urge the Home Office, however, to focus its efforts first on improving reporting of the crime of spiking and on gathering information about the reasons for and outcomes of such reports. We invite the Home Office to set out steps it will take to improve data on the prevalence, scale and dangers of spiking*

Government Response - The Government recognises that spiking is a largely under-reported crime, and that every report of needle or drink spiking is different and, consequently, there is no 'one size fits all', or default, crime classification solution. The Government, alongside law enforcement, have taken a number of steps to improve both the quantity and quality of data on these incidents.

*Recommendation 3 - The Home Office should give the Committee a written update six months from the date of publication of this Report on progress towards creating a separate criminal offence of spiking.*

Government Response - The Government is already committed to updating Parliament on whether it intends to introduce a specific criminal offence for spiking within six months of the Police, Crime, Sentencing and Courts Act receiving Royal Assent. We will bring this deadline forward from 28 October to 26 October in line with the Committee's recommendation.

*Recommendation 4 - As part of its national communications campaign to say "Enough" to violence against women and girls, the Government should engage with the night-time industry, the education sector, and the health sector to produce a national anti-spiking communications campaign. The awareness raising campaign should:*

- i) send a clear message that there is no acceptable defence for spiking, whether done for fun or malicious intent; that it can have devastating consequences for victims; and that spiking is a crime punishable by up to 10 years in prison;*

- ii) encourage victims and venues to report incidents to the police, with the promise that all reports will be investigated; and*
- iii) communicate immediate and longer-term sources of support for spiking victims, including testing.*

Government Response - The Government agrees with this recommendation and has begun conversations with communications leads from the “Enough” campaign looking into how spiking can be integrated into the wider campaign. In particular, we are exploring the opportunities for communications around September/October this year, reflecting on the fact that reports of needle spiking peaked around the same period in 2021, coinciding with the university year starting, and the various “fresher’s weeks” that will be launching around that time.

*Recommendation 5 - As part of its wider VAWG strategy, the Government should consider a support package for night-time industries to boost security measures including the recruitment and training of additional door security staff, particularly female staff.*

Government Response - The Government recognises the position of the night time industry and, alongside the Security Industry Authority (SIA), has been monitoring reports of shortages within the industry since Autumn 2021, meeting with industry figures including Michael Kill of the Night Time Industry Authority. We will continue to engage across Government and with industry to consider what a support package might look like and will reflect this engagement in the statutory report on spiking due to be published April 2023

*Recommendation 6 - Within three months the Government should:*

- i) Collect data on local licensing authorities’ use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;*
- ii) Work with local authorities to develop an anti-spiking strategy which encourages local licensing authorities to make better use of these powers; and*
- iii) As part of this, review guidance issued under section 182 of the Licensing Act 2003 with a view to requiring licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.*

Government Response - The Government continues to work with local areas to ensure that everyone is safe and secure in the night-time economy. Our work to tackle violence against women and girls is continuing to drive momentum to improve the response to issues such as spiking and more widely. Over 2021–22, the Government invested £25m in round 3 of the Safer Streets Fund (SSF), which focused on reducing VAWG in public and improving feelings of safety for all, and £5m in the Safety of Women at Night (SWaN) fund. The £75m round 4 of the SSF also includes a focus on tackling VAWG in public spaces, as well as anti-social behaviour and neighbourhood crime. The Government accepts part three of the Committee’s recommendation and will review the guidance issued under Section 182 of the Licensing Act 2003 to consider whether we should require licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy

*Recommendation 7 - The Government should evaluate the efficacy of different anti-spiking partnership initiatives and develop a national strategy which promotes best practice and requires all police forces and local authorities to publish their chosen approach.*

Government Response - The Government recognises the value of the various anti-spiking initiatives that have taken place across the country and is grateful to the various police forces, local authorities and private businesses that are taking steps to safeguard against spiking. As part of the statutory review on spiking, the Government intends to carry out reviews of international activity, academic research into spiking, and anti-spiking initiatives to ensure that we are taking the best possible action to tackle this issue. We will consider whether police forces and local authorities should be required to present an “anti-spiking mission statement” and outline their work to tackle the issue.

*Recommendation 8 - The Home Office, in partnership with key stakeholders, should conduct a national communications campaign to raise awareness of how to act when people suspect they have been spiked. This campaign should emphasise the importance of individuals and venues reporting incidents or concerns to the police. An option to report spiking incidents anonymously should also be included, possibly via Crime Stoppers. Increased data from increased reporting of incidents would help the police to profile offenders and identify the causes of offending.*

Government Response - The Government agrees with this recommendation and is working closely with policing stakeholders to promote key messages around spiking. The Enough campaign have created and disseminated guidance for hospitality staff on how to respond to an instance of violence against women and girls in their venue, including spiking. This communication encourages individuals to report incidents to the police. We will explore options for further communications, including outreach through the education and private sectors, which will enable us to more effectively communicate how individuals should act if it is suspected that they or someone around them has been spiked.

*Recommendation 9 - To ensure adequate, timely provision of forensic sampling of a standard sufficient to be admissible as evidence in court, the Government should introduce a duty on all police forces to provide those who report any spiking incident with the rapid testing service introduced in response to the outbreak of needle spiking.*

Government Response - As the Committee notes, law enforcement, in partnership with forensic provider Eurofins, established an accredited rapid urine testing service in response to the outbreak of needle spiking in Autumn 2021. This service will be in place throughout 2022, with the intention of developing a better service in 2023.

*Recommendation 10 - The Home Office should require commercially available drug-testing products to carry warnings about their limitations; expedite its planned scientific review of the relative merits of the various spiking testing pilots being run by the police, universities and hospitals and report back to the Committee in three months' time; and provide support to allow wider adoption of the best schemes across the country once the review is completed.*

Government Response - The Government recognises the use of spiking test kits in various parts of the country, but we remain clear that there is no single test kit that reports to cover the number of drugs that have been identified as potential candidates for spiking. We therefore feel that an evaluation of pilots which only utilise non-lab-based test kits could provide potential victims with a false sense of security given the lack of any industry certification or validation to account for the efficacy of such test kits. We therefore urge anyone who suspect that they or someone around them have been spiked to contact the police in order to collect a sample for forensic analysis through an accredited testing capability, such as that established by law enforcement and forensic provider Eurofins. To date, this remains the only method which will provide certainty in sample analysis. We are currently aware of efforts within law enforcement to consider how local toxicology services can assist our response to spiking incidents. The results from this will form part of the statutory review of spiking. We are also aware of a limited evaluation being carried out over summer on a urine test kit utilised in some police forces. The project is likely to assess the kit's efficacy in detecting a number of substances which have been identified as part of the Eurofins rapid testing capability.

*Recommendation 11 - The Home Office should commission academic research into the motivations and profile of spikers, to feed into a national strategy for preventing, detecting and prosecuting spiking offences.*

Government Response - The Government agrees with the Committee's assessment that the motivations of spiking offenders remain unclear, particularly around the newly identified incidences of needle spiking, and that the lack of understanding limits our ability to effectively tackle spiking through targeted interventions. We will therefore consider options for research into the motivations of offenders.

*Recommendation 12 - To increase the deterrent effect of increased prosecutions, Government should devise a strategy to address each of the factors that inhibit prosecution from lack of reporting through to failure to collect forensic evidence.*

Government Response - The Government recognises that there a number of factors which inhibit our ability to successfully target and prosecute individuals who commit spiking offences, not least of all the under-reporting discussed in the response to recommendation 2. We have begun preliminary discussions with a number of police forces on what they see as the factors which inhibit prosecutions and intend to have similar conversations with the Crown Prosecution Service and the Attorney General's office. The outcomes of these discussions and what action we can take to mitigate these factors will be included in the statutory report on spiking, due to be published no later than 28 April 2023

- 1.6 Members will note that not all the recommendations have a direct impact on the licensing role of the local authority. While the response to spiking incidents is primarily led by the police, councils play a key role in convening police, businesses and other local organisations to review the local picture, take action to address broader community safety issues and put in place preventative initiatives. Within Newark & Sherwood there are a number of active partnerships such as Pubwatch and the Community Alcohol Partnership. These can be effectively used to promote control and awareness of drink spiking

- 1.7 The Home Affairs Select Committee recommended that Government review guidance issued under section 182 of the Licensing Act 2003, with a view to requiring licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of licensing policy. Whilst Newark & Sherwood has a very low reported incidence of drink spiking the inclusion of this in the Statement of Licensing Policy is seen as productive.
- 1.8 The Government repose to recommendation 6 references the Safer Streets fund. As members are probably aware the Bassetlaw and Newark& Sherwood Community Safety Partnership was successful in a £750,000 bid to this fund. One element of the scheme is targeting the implementation of best practice for reducing violence against woman and girls, particularly in the night-time economy.
- 1.10 The issue of drink spiking cannot be solved without the support and participation of the licensed premises. The Council will therefore be seeking premises to take actions to support its own actions.

## **2.0 Proposal/Options Considered**

- 2.1 As stated above the Safer Streets 4 fund will be used to run a number of campaigns addressed at addressing drink spiking and more broadly violence against women and girls. Discussions are taking place with the police for a campaign aimed at drug taking in the night-time economy.
- 2.2 information about drink spiking will be shared with all Pubwatch groups and be made available to all licensed premises. Where appropriate anti-spiking bottle stoppers and protective drink covers will be made available.

## **3.0 Implications**

- 3.1 In writing this report and in putting forward recommendations, officers have considered a range of potential implications. There are no implications arising from this report.

## **Background Papers and Published Documents**

The Home Affairs Committee published its Ninth Report of Session 2021–22, Spiking (HC 967) on 26 April 2022.

Spiking: Government Response to the Committee’s Ninth Report of Session 2021–22