



Home Office

Consultation:

**To update Section 182 Guidance to
make reference to Spiking.**

This consultation begins on 16/12/2022

This consultation ends on 13/01/2023

About this consultation

- To:** We are keen to hear from everyone who may be affected by the changes made to the section 182 guidance.
- Duration:** From 16/12/2022 to 13/01/2023.
- Enquiries (including requests for the paper in an alternative format) to:** Email: alcohollicensingconsultations@homeoffice.gov.uk
- How to respond:** Please send your response by 13.01.2023.
Responses can be submitted via email to alcohollicensingconsultations@homeoffice.gov.uk or by post by sending responses to:
Section182 Guidance (Drink spiking)
Alcohol team
5th Floor, Fry Building
Home Office
2 Marsham Street, SW1P 4DF
Email: alcohollicensingconsultations@homeoffice.gov.uk
- After the consultation:** Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless stated otherwise.

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Introduction

The Home Affairs Committee (HASC) published its Ninth Report of Session 2021–22, Spiking (HC 967) on 26 April 2022. The report detailed that we launched this inquiry following a sudden increase in the number of spiking incidents across the country in October 2021 and reports of a new form that involved individuals being spiked with a needle. We conducted a survey to give individuals who had experienced or witnessed spiking an opportunity to explain what happened and what support was provided. Some 1,895 victims and 1,413 witnesses of spiking incidents responded. We are grateful to all who filled in the survey or provided evidence”

The Home Office is considering whether the Section 182 guidance should be updated to include references specifically to spiking in licensed premises. Whilst the Licensing Act 2003 itself does not address the risks around drinks spiking, and therefore Section 182 would not apply to this specific provision, the Government is keen to address the Committee’s concerns and considers such an update to the Section 182 guidance an appropriate way to do so. This will be a targeted consultation and we would encourage responses from the organisations listed below.

- **All local authorities**
- **Chairs of licensing committees**
- **Local Government Association**
- **National Association of Licensing Enforcement Officers**
- **Institute of Licensing**
- **National Police Chiefs Council**
- **Association of Police and Crime Commissioners**
- **British Beer and Pub Association**
- **Night Time Industries Association**
- **UK Hospitality**
- **Association of Convenience Stores**
- **Association of Licensed Multiple Retailers**
- **Wine and Spirits Trade Association**
- **Alcohol Health Alliance**
- **Alcohol Concern UK**
- **Drinkaware**
- **Institute of Alcohol Studies**
- **Security Industry Authority**

We would welcome responses to the following questions set out in this consultation paper.

The proposals

The recommendations made by HASC and the Government responses are set out below:

Recommendation 1 (paragraph 12, page 7)

“We recommend 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). We believe that a more formal and higher standard is required for outdoor music festivals owing to the comparatively younger age of festival-goers and the additional vulnerability that arises from their camping over at such festivals”

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.

The Government believes that the devolved nature of decision making on licensing matters ensures local areas have the flexibility they need to address matters of public safety whilst also supporting a thriving local economy. It is a fundamental premise of the Licensing Act 2003 that any conditions imposed on a licence – whether for a permanent premises or an event such as a festival – are necessary and proportionate. The Government does not intend to mandate training for all staff at events such as festivals however we will review the section 182 guidance which accompanies the Licensing Act 2003 to reflect that when licencing committees are approving a licence for a festival, they should consider that staff are adequately trained in safeguarding.

Separately, the Government would like to highlight ongoing discussions with the festival sector to ensure that they, alongside local authorities, law enforcement, and hired security staff are taking appropriate action to protect potential victims and deter potential offenders. This includes opportunities for joint communications and sharing the emergency service response to spiking incidents with festival and security personnel.

Recommendation 6 (paragraph 59, page 23)

“We are concerned that the Government is not doing enough to monitor licensing authorities’ use of powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls.

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. Since October 2021, there has been £30 million investment to date for projects with a particular focus on protecting women in their communities through Round Three of the Safer Streets Fund and the Safety of Women at Night Fund. An additional £50 million for 111 projects has been invested through Round Four of the Safer Streets Fund, which has a focus on tackling violence against women and girls in public places, as well as neighbourhood crime and anti-social behaviour.

We welcome the Committee’s suggestions on what more Government could do to augment ongoing work with local authorities. We currently collect statistics from local authorities every other year on authorisations and licensing authority powers under the Licensing Act 2003.

Specifically, these include premises licences, club premises certificates, personal licences, late night refreshment, 24-hour alcohol licences, temporary event notices, early morning alcohol restriction orders, late night levies, and late-night refreshment exemptions. It also includes statistics on cumulative impact areas, reviews, hearings and appeals. We will explore with local authorities, licensing stakeholders and the Local Government Association whether data on licence reviews and revocations could be added to this report.

Government Ministers wrote recently to remind licensing committees of their responsibilities and the powers that both licensing committees and the police have available to them to ensure licensed premises are managed responsibly and safely, and to encourage collaboration between local agencies to ensure that spiking is considered when assessing licence applications. We will continue to work with partners to ensure that education,

awareness, and dissemination of new initiatives and existing good practice are shared widely.

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.

Conclusion

We recognise that incidents of spiking can take place in many different locations and are not solely confined to licensed premises. However, we are keen to ensure that in every public space where spiking may occur, sufficient awareness and appropriate safeguards are in place, both to reduce incidents and to ensure that – where spiking does take place – victims are given prompt support and attention.

We do not consider that legislative changes to the LA2003 are required to address the issue of spiking – as set out in the next section, we are of the view that the Licensing Act in its current form contains enough powers and safeguards for premises to take whatever steps they need to keep their patrons safe. We also recognise that incidents of spiking will not be an issue for many licensed premises and that bringing in legislation to make blanket changes to all premises would be disproportionate.

We have therefore committed to explore whether making some additions to the section 182 Guidance which accompanies the Licensing Act will enable us to achieve our aim of raising awareness of spiking, encouraging those applying for licences to thoroughly consider what, if any, measures they need to put in place to deter spiking, and to ensure that licensing authorities are giving due regard to issues around spiking when considering applications.

We recognise that this approach may go beyond the traditional remit for such guidance. However, we feel that this is the best way to achieve our aims quickly and without a long drawn-out legislative process. We welcome your views on this.

Background

The matter of drink spiking within our communities is of significant concern – both to Government and the public. Everyone has a right to feel safe on the streets and whilst out in the night time economy (NTE) and they – quite rightly - expect Government, law enforcement, and the private sector to ensure that safety.

The Home Office is working closely with colleagues across Government and law enforcement to understand and tackle this issue. We recognise that spiking of any kind can be a very distressing and frightening experience for victims and we want to ensure that those reporting these incidents have access to the right support. Although we know that not all cases of spiking occur in licensed premises, we understand that these settings might be specifically targeted by offenders.

The Licensing Act 2003, which governs the control and issuance of licences to sell alcohol, allows local licensing authorities to take a tailored approach to granting premises licences in order to uphold the four licensing objectives – the most relevant here being the objective to prevent crime and disorder.

Licensing authorities can impose conditions on any business that wants to sell alcohol, in order to reduce crime. These can include requiring the presence of suitably trained and accredited door staff, or CCTV for example. Furthermore, a local licensing authority can, when appropriate, require a licence-holder to enforce entry searches as a condition of a premises licence.

The police already have considerable powers to take action where they think there is a problem – these include temporary closure powers. They can call for a review of the premises licence and work with the management and the licensing authority to introduce new conditions to allow the premises to operate more safely. Local mechanisms can introduce searches where they are needed more quickly than waiting for a national mandate to be brought into effect.

However, the Government understands that there is a need to go further in supporting the NTE in tackling the serious issue of drink spiking and recognise that further guidance may be the appropriate course of action.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper. We would appreciate further comments and recommendations to what amendments you would consider appropriate.

Q1: Do you support updating the Section 182 guidance to make specific reference to spiking?

Yes

No

Please provide rationale and recommendations

Q2: Do you agree with updating the Section 182 guidance to encourage local licensing authorities to consider placing additional conditions on licences to safeguard patrons against spiking?

Yes

No

Please provide rationale and examples or recommendations

Q3: Do you support updating the Section 182 guidance to encourage licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.

Yes

No

Please provide rationale and examples or recommendations

Q4: Do you support the collection of 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.

Yes

No

Please provide rationale and examples or recommendations

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please complete the Consultation via email to alcohollicensingconsultations@homeoffice.gov.uk or send your response by 13.01.2023 to:

Section 182 Guidance (Drink spiking)

Alcohol Team, 5th Floor Fry Building

Home Office

2 Marsham Street

London, SW1P 4DF

Email: alcohollicensingconsultations@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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