

Questionnaire – Response from Newcastle-under-Lyme Borough Council – 6<sup>th</sup> January 2023

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

Yes ✓

No

Please provide rationale and recommendations

Council response: *The reporting of spiking appears to have increased in prevalence over the past 18 months. The Borough Council are of the view that the issue of spiking falls within the licensing objectives of Public Safety and the Prevention of Crime and Disorder and as such is a relevant consideration for businesses and licensing authorities to consider under the Licensing Act 2003.*

**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

Council response: *As the Borough Council are of the view that spiking falls within the licensing objectives it would be appropriate for each applicant and licence holder to consider what measures they can take to safeguard their patrons from spiking. Upon application for the grant or variation to a licence these measures would then form part of the operating schedule of the licence, similarly to the provision of CCTV etc. Example conditions may include:*

- 1. "The Premises Licence Holder or Designated Premises Supervisor must record each incident and allegation of spiking in a register, which may be physical or electronic in nature, and provide the register to any authorised officer from a responsible authority. The register must be kept on, or be accessible at, the premises at all times."*
- 2. "The aforementioned register must include the date, time, and nature of the incident or allegation, as well as the details of the reporter and what action was taken by the staff at the time."*

**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

Council response: *The Borough Council are of the view that the Statement of Licensing Policy (SLP) is to be used to guide applicants and licence holders on how to best promote the licensing objectives. Sexual harassment and misconduct, and gender based violence are prevalent within wider society*

*but are often associated with licensed premises and the night time economy. It would be a sensible and practical approach to reference these matters within the SLP.*

**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

*Council response: The Government already collects an array of data from licensing authorities biennially in relation to licensed premises. There is no reason why collecting data as proposed would not be viable. On the contrary the data if collected may support wider Government policy in relation to their work around ensuring everyone who uses the night time economy can do so in a safe and secure manner.*