

LICENSING COMMITTEE

House of Commons, Home Affairs Committee – Spiking 9 June 2022

Report of Licensing Manager

PURPOSE OF REPORT

To present the findings of the Home Affairs Committee inquiry into Spiking and provide an overview on actions required in light of recommendations.
Additionally, to bring to the attention of members a letter sent directly for consideration by Licensing Committees by The Rt Hon Kit Malthouse MP, Minister of State for Crime, Policing and Probation on the matter of Spiking.

This report is public.

RECOMMENDATIONS

- (1) That members note the contents of the report.

1.0 Introduction

- 1.1 Drink spiking is when someone puts drugs or alcohol into a person's drink without their knowledge or consent. It can include putting alcohol in 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 is difficult to tell whether a drink has been spiked as substances used for spiking have no taste, odour or colour. Needle spiking is where someone injects, with a hypodermic needle a victim with a substance.
- 1.2 An inquiry was launched by the Home Office Affairs Committee 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. A survey was conducted 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 to the survey.
- 1.3 As well as the victim and witness accounts of their experiences around spiking other evidence and information was sought as part of the inquiry from educational bodies and professional organisations. (Eg, Lincoln University, St Johns Ambulance, Police and Crime Commissioner).
- 1.4 Attached at **Appendix 1** is the complete report and findings of the Home Affairs Committee Inquiry into Spiking.

2.0 Conclusions, Recommendations and Actions

- 2.1 Page 39 of the report details the conclusions and recommendations of the inquiry. It sets out the recommendations in terms of the scale of the problem, legal framework, preventing and deterring spiking and detecting and investigating spiking.
- 2.2 Scale of the problem - No-one knows how prevalent spiking is, whether by drink, drug or needle, and no-one knows what causes perpetrators to do it. Anecdotal evidence suggests the practice is widespread and dangerous, and that many people, particularly young, particularly women, are affected by it and are afraid they will be spiked on evening out. An absence of accurate data makes it impossible, however, to judge accurately just how widespread, how dangerous spiking is. Policy initiatives to reduce both spiking and the fear of it cannot be well-founded or well-targeted without reliable evidence.

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. (2) There is a direct call for 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.

Action: Request Event Safety Advisory Group/Events on Council land to encourage consideration of spiking through risk assessments provided, including staff training with regards to welfare.

- 2.3 Legal Framework - The existence of a spiking offence would not in and of itself stop spiking, but it would have several benefits. First, it would facilitate police work under way to identify perpetrators and patterns of offending by enabling the police to collect better data on the prevalence of spiking incidents. Secondly, it would act as a deterrent by sending a clear message to perpetrators that this is a serious crime which attracts severe penalties. And thirdly, victims would be more likely to report spiking if it were a recognised criminal offence

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

Action: None identified at this time.

- 2.4 Preventing and deterring Spiking - There is an urgent need for improved education and awareness around spiking across several sectors.

Recommendation: 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.

Action: Adopt any local/national campaigns to raise awareness in the locality and promote initiatives to assist both licensed premises and visitors to the venues.

- 2.5 There is strong support for increased security measures in night-time venues, but critical shortages in door security staff.

Recommendations: 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.

Action: Assist with the promotion of any initiatives to increase recruitment to security/NTE industries through Communication platforms.

- 2.6 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.

Recommendation: 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.

Action: Head of Public Protection and Licensing Manager attend LGA Licensing Forum who are signposting to relevant government body collecting data. Lancaster City Council will provide data where relevant.

Lancaster City Councils Statement of licensing Policy review is being undertaken currently, with a view to include gender based violence within the draft document.

- 2.7 We are pleased to learn there are many initiatives across the country to tackle spiking but are concerned that without a national strategy to ensure a consistent, wholesale approach, the current patchwork of initiatives may make those in parts of the country that have not yet taken action more vulnerable to spiking.

Recommendation: 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.

Action: To remain informed of emerging matters and adopt national strategy/best practice when published and promote once adopted.

2.8 Detecting and investigating spiking

Recommendation: 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.

Action: Support and promote any communications campaigns, internally through the Council comms team but with licensed premises through the Business Improvement District (BID) and Pubwatch.

2.9 Accessibility to testing is an issue for many victims and the lack of forensic testing capacity creates evidential difficulties for the police

Recommendation: 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.

Action: Liaise with Local Police on testing availability and constraints, as any formal review of premises licence may rely on evidence of positive tests.

2.10 We are pleased that the Home Office is planning a scientific review of testing kits but are concerned that in the meantime victims could get false assurances from such kits.

Recommendation: 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.

Action: Support and promote any best practice schemes once review is complete and evidence collated.

2.11 Limited police understanding of the motives and profile of spiking offenders hampers their ability to develop a national strategy on tackling spiking.

Recommendation: 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.

Action: Once data collated, feed to relevant groups, ie Pubwatch etc for staff training and awareness.

- 2.12 Successful prosecution has a deterrent value for both actual and would-be spikers and sends a clear message that spiking is a crime. We are therefore disappointed by the very low number of successful prosecutions for spiking offences.

Recommendation: 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.

Action: None identified at this time.

3.0 Letter to Licensing Committees

- 3.1 Attached at **Appendix 2** is the letter dated 1 April 2022 sent by The Rt Hon Kit Malthouse MP, Minister of State for Crime, Policing and Probation addressed for consideration by Licensing Committees.
- 3.2 It requests that Licensing Committees continue to work with local partners - particularly the police - to make sure this concern (spiking) is highlighted and addressed appropriately and collaboratively.

CONCLUSION OF IMPACT ASSESSMENT (Including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

None identified

LEGAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None identified

SECTION 151 OFFICER'S COMMENTS

The report is for noting, no comments required.

MONITORING OFFICER'S COMMENTS

The report is for noting, no comments required.

BACKGROUND PAPERS

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