

Institute of Licensing Response to Home Office Consultation:  
To update Section 182 Guidance to make reference to spiking

[Respond to [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)]

Respondent details

Please use this section to tell us about yourself

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<b>Job title</b> or capacity in which you are responding to this consultation exercise (for example, member of the public)	Executive Officer
<b>Date</b>	13 Jan 2023
<b>Company name/organisation</b> (if applicable)	Institute of Licensing
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If you would like us to acknowledge receipt of your response	Yes
Address to which the acknowledgement should be sent, if different from above	As above

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**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.

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK, representing local authority, police, private practice and industry practitioners. The organisation operates on a national and local level with 12 regions across the UK, 9 in England together with a Northern Ireland branch, and regions for Scotland and Wales. The IoL's areas of interest include all public regulatory licensing including the Licensing Act 2003 and associated law, regulation and guidance.

### Consultation questions

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

- Yes
- No

Please provide rationale and recommendations

### Response

We agree with the Government that legislative changes to the Licensing Act 2003 are not necessary to address the issue of spiking. The current legislative framework provides sufficient safeguards and powers to address premises management issues which undermine the licensing objectives.

As an alternative to legislative change, we would not object to the inclusion of a reference to spiking within the Section 182 Guidance, but strongly recommend stakeholder engagement in drafting the content to ensure that it is clear, proportionate and effective in ensuring that licensing authorities give due regard to relevant issues when determining applications.

We note that the Government has acknowledged that spiking is not confined to licensed premises and would highlight that more holistic approaches are likely to be needed as well. In stakeholder discussions, it has also been noted that there are many other elements to safeguarding in licensed premises and that the focus on spiking should not be to the detriment of the wider safeguarding agenda.

**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?**

- No

Please provide rationale and examples or recommendations

### Response

Licensing authorities have discretion to add conditions to premises licences only where that discretion has been engaged through representations about the impact of the premises operation on one or more of the licensing objectives.

Any amendments to the guidance should emphasise the need to ensure that conditions must be appropriate (we would suggest necessary) and proportionate to address the concerns or harm evidenced in respect of the premises which is subject of the application. The guidance already

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To update Section 182 Guidance to make reference to spiking contains sufficient information to assist licensing authorities when considering the imposition of additional conditions.

We would support any intention to add to the guidance to emphasise the benefit of working in partnership with applicants, licensees and other local stakeholders including best practice schemes such as National Pubwatch, Best Bar None etc. and to agree local practices such as signage, staff training, etc. to raise awareness of spiking issues.

**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

Please provide rationale and examples or recommendations

Response

Local statements of licensing policy should be developed having regard to local considerations. We would support the suggested amendments but only to the extent to which they relate to the implementation of the Licensing Act 2003.

**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

Response

We would not oppose the inclusion of the number of refusals and revocations in the collection of data from local authorities.

We would oppose any measures requiring local authorities to provide more granular data in identifying cases where conditions have been imposed or licences revoked on specific grounds such as spiking incidents or concerns.