

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
5 May 2023
Our ref: 9630641

Thank you for your request received on 20 April 2023, for the following information:

I am writing to request the following information under the Freedom of Information Act.

The Local Government Association offer guidance on good practice for licensing authorities in response to spiking. Our inquiries relate to the extent to which your licensing authority implements these recommendations - specifically:-

Q1) Do you explicitly reference spiking prevention in your statement of licensing policy?

Q2) Have you run a communications campaign to clearly demonstrate that your council takes a zero-tolerance approach to spiking.

Q3) Which of the following partnership schemes are training packages are referenced in your statement of licensing policy?

- Pubwatch
- Best Bar None
- Purple Flag
- Community Alcohol Partnerships
- Street Pastors
- The Welfare and Vulnerability Engagement (WAVE) initiative
- 'Ask for Angela'

Q4) Has your licensing authority followed the recommendation of the Home Affairs Select Committee to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of licensing policy.

Q5) For the previous 5 calendar years please provide the number of venues which have had their licence suspended, revoked, or/and had conditions added to the licence, as a result of spiking incidents within the venue. Please could you provide this data broken down by year.

- a) 2018
- b) 2019

- c) 2020
- d) 2021
- e) 2022
- f) 2023 (including latest available data)

Q6) How many incidents of alleged spiking have been recorded by the licensing authority in the past five years. Please break down by year

- a) 2018
- b) 2019
- c) 2020
- d) 2021
- e) 2022
- f) 2023 (including latest available data)

Q7) Please provide details of the three most recent cases where a venue has had its licence suspended, revoked or/and had conditions added, as a result of spiking incidents

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested. However, we believe that the exceptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below.

I am writing to request the following information under the Freedom of Information Act.

The Local Government Association offer guidance on good practice for licensing authorities in response to spiking. Our inquiries relate to the extent to which your licensing authority implements these recommendations - specifically:-

Q1) Do you explicitly reference spiking prevention in your statement of licensing policy?

Our current Licensing Policy came into effect in 2020 and is not due to be replaced until 2025. As the select committee and LGA guidance on the issue of spiking prevention was not issued until 2022 it would have been too late for us to have included it within our last Licensing Policy review. I can confirm however that we are in the preliminary stages of revising the Policy which we aim to send to the Licensing Committee (before its formal consultation) in July 2024. As a result of recent media coverage of this issue, we will be sending out reminders to some of our premises, reminding them of the measures that they can take to minimise the risk of spiking.

Q2) Have you run a communications campaign to clearly demonstrate that your council takes a zero-tolerance approach to spiking.

No communication campaign has been run by the Licensing Authority in relation to this issue however I can confirm that the carrying out of this campaign will form part of the Licensing team Service Plan which is currently being drafted for 2023.

Q3) Which of the following partnership schemes are training packages are referenced in your statement of licensing policy?

- **Pubwatch** – is referenced in our current Policy
- **Best Bar None** - is not referenced in our current Policy
- **Purple Flag** - is not referenced in our current Policy
- **Community Alcohol Partnerships** - is not referenced in our current Policy
- **Street Pastors** - is not referenced in our current Policy
- **The Welfare and Vulnerability Engagement (WAVE) initiative** - is not referenced in our current Policy
- **'Ask for Angela'** - is not referenced in our current Policy

Q4) Has your licensing authority followed the recommendation of the Home Affairs Select Committee to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of licensing policy.

Our current Licensing Policy came into effect in 2020 and is not due to be replaced until 2025. As the select committee and LGA guidance on the issue of the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence was not issued until 2022 it would have been too late for us to have included it within our last Licensing Policy review. I can confirm however that we are in the preliminary stages of revising the Policy which we aim to send to the Licensing Committee (before its formal consultation) in July 2024. As a result of recent media coverage of this issue, we will be sending out reminders to some of our premises, reminding them of the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence.

Q5) For the previous 5 calendar years please provide the number of venues which have had their licence suspended, revoked, or/and had conditions added to the licence, as a result of spiking incidents within the venue. Please could you provide this data broken down by year.

- a) 2018 - 0
- b) 2019 - 0
- c) 2020 - 0
- d) 2021 - 0
- e) 2022 - 0
- f) 2023 (including latest available data) - 0

Q6) How many incidents of alleged spiking have been recorded by the licensing authority in the past five years. Please break down by year

- a) 2018
- b) 2019
- c) 2020
- d) 2021
- e) 2022
- f) 2023 (including latest available data)

Please see refusal notice below

Q7) Please provide details of the three most recent cases where a venue has had its licence suspended, revoked or/and had conditions added, as a result of spiking incidents

We have not had any premises that have had their licence suspended, revoked or/and had conditions added in this borough as a result of spiking.

Refusal Notice

R12(4)(b) – Manifestly unreasonable

We consider that regulation 12(4)(b) (Manifestly unreasonable) applies to the information requested because we consider that the request is manifestly unreasonable.

We may hold some of the information requested.

Regulation 12(4)(b) of the Environmental Information Regulations 2004 provides an exception to the disclosure of information in situations where the request is manifestly unreasonable. This exception may be invoked where the request places a substantial and unreasonable cost or burden of dealing with it. Information. The purpose of the exception is to protect public authorities from exposure to a disproportionate burden or an unjustified level of distress, disruption or irritation, in handling information requests.

This is a qualified exception under EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. The public interest means what is in the best interests to the public.

Public interest test considerations

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information requested. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness to which the EIR and the Council aspire ;
- The benefits of ensuring transparent and accountable government

However, there are also public interest arguments against disclosure:

Unfortunately the way in which our service requests/complaints are recorded it would mean that we would be unable to run a report that would provide the information requested. Each individual case would need to be assessed individually to see if the complain/service request relates to the spiking of drinks. Our records show that we have had 5069 cases entered into our system since 2018. An assessment of each of these cases would take an officer approximately 10 minutes. The time it would take for Licensing to provide this information would therefore take longer than 18 hours to collate and we would not be able to provide that information readily.

- It does not represent a cost effective use of the Council's resources, we received 5069 cases and it would take approximately 10 minutes per complaint so therefore this would equate over 18 Hours

(10 minutes times 5069 cases divided by 60 minutes = 844.00 hrs)

- The diversion of resources that will be necessary in providing the information requested negatively impact on its ability to deliver its core functions

The Council considers that the public interest in withholding the requested information outweighs the public interest test in disclosure of the requested information.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.