

Education, Children and Young People Committee

3rd Meeting, 2022 (Session 6), Wednesday 26 January

Drink and Needle Spiking: January 2022

Introduction

The Committee will hold a one-off evidence on the issue of young people and 'drink and needle spiking'.

Committee meeting

The Committee will take evidence, in a roundtable format, from—

- Jill Stevenson, Diversity and Inclusion and Director of Student Services at University of Stirling and Director of, and the Director of the Association of Managers of Student Services In Higher Education;
- Ellen MacRae, President, Edinburgh University Students Association;
- Martha Williams, Girls Night In Campaign;
- Mike Grieve, Chair, Night Time Industries Association;
- Superintendent Hilary Sloan, Partnerships, Prevention and Community Wellbeing (PPCW), Harm Prevention , Police Scotland;
- Andrew Green, Policy Manager - Pub Operations, Scottish Beer & Pub Association;
- Professor Sally Mapstone, Principal and Vice Chancellor of the University of St Andrews and Vice Convener, Universities Scotland; and
- Kate Wallace, Chief Executive Officer, Victim Support Scotland.

Supporting Information

The Committee has received written submissions from Police Scotland and Universities Scotland and these are provided at [Annexe A](#) to this paper. A SPICe briefing on the issues being considered at this evidence session, is provided at [Annexe B](#).

Education, Children and Young People Committee Clerking Team
21 January 2021

Annexe A

Police Scotland

Education, Children and Young People Committee

26 January 2022

Drink and Needle Spiking Incidents

PURPOSE

The purpose of this report is to provide an update to the Education, Children and Young People Committee in respect of spiking by injection and spiking of drinks incidents in Scotland.

1. Background

- 1.1 Reports of spiking are not new and typically increase slightly during the month of September. This is attributed to University and Colleges commencing their first term and in particular coincides with Fresher's Week. Incidents of suspected spiking are recorded as either drugging or administering a substance for sexual purposes and until recently, have involved the spiking of drinks only.
- 1.2 In mid-October 2021, following reports in the media and social media of spiking by injection, public concern understandably increased. This resulted in an increase in reporting to police services across the UK, including Police Scotland.
- 1.3 This increased public concern and reporting has come in the midst of a national discussion in respect of women's safety and calls for more to be done to keep women and girls safe. The Police Scotland message focuses on the importance for women and girls to both feel safe and be safe, when in public spaces.
- 1.4 Given the increased public concern, Police Scotland implemented a Gold Command structure led by Assistant Chief Constable Gary Ritchie under the name Operation Precept. The purpose of this was to effectively co-ordinate activity across Scotland, to engage with strategic partners and to contribute to the National Police Chiefs' Council's (NPCC) Gold Command structure (DCC Jason Harwin, NPCC Drugs Lead) and response, from a Scottish perspective.
- 1.5 Weekly Gold Group meetings are chaired by ACC Ritchie comprising key internal partners, to allow for up to date information and intelligence to be shared between business areas.
- 1.6 Weekly Silver Group meetings are attended by key internal partners as well as Scottish Ambulance Service, Public Health Scotland and NHS24, allowing for up to date information to be shared between these agencies.

1.7 A wider partnership meeting also forms part of the command structure and draws membership from across the licensed trade and night time economy, student representation from the National Union of Students and third sector representation from Victim Support Scotland, Rape Crisis and Crew2000. This meeting provides a platform for information sharing, consistent messaging and for members to raise concerns, which facilitates an improved holistic understanding of the scale and impact of spiking, ultimately informing how best to respond both as individual agencies/organisations and collectively.

2. Size and Scale of The Issue

2.1 Since mid-October 2021, Police Scotland have introduced a bespoke Incident tagging system for all suspected spiking incidents. This is maintained by the Contact, Command and Control (C3) business area and facilitates appropriate identification, review and management of reported incidents of spiking.

2.2 Advice and guidance has been sought and obtained from Crime Registrars with regards to crime recording and this has been circulated to all Police staff. If a spiking crime is confirmed, a Crime Report will be raised and a detailed investigation is undertaken led by a Senior Investigating Officer. Following investigation, it may be that officers are able to confirm that no crime has taken place, resulting in the Crime Report being marked as such.

2.3 As a result, the numbers of both incidents and crimes change on a daily basis and it is therefore challenging to provide accurate statistics for either on a day to day basis.

2.4 Significant analytical work has been undertaken on a weekly basis in an effort to understand the situation and emerging issue. This has revealed the following:

- Police Scotland received its highest report over the Halloween weekend;
- Reports have week on week significantly reduced since then;
- The majority of reports have been in the larger cities, namely Glasgow, Aberdeen and Edinburgh (significant night time economies and student populations);
- The majority of victims are young women, aged between 18-26 years;
- A large proportion involve alcohol;
- Voluntary consumption of illicit drugs is also a factor;
- Very few cases involve secondary offending, either sexual or acquisitive crime;
- Very little intelligence is known regarding the offender profile;
- The motivation of such instances remains unknown.

2.5 The National Police Chiefs' Council (NPCC) is also analysing national information with the help of a National Crime Agency (NCA) Criminal Psychologist, to try and understand the motivations behind this phenomenon. As previously described, Police Scotland is a member of the NPCC and

involved in meetings relating to VAWG and Spiking, enabling us to gain best insights and good practice, as well as share knowledge.

- 2.6 Of note, NPCC analysis across England and Wales is showing a similar reduction in crimes and incidents as seen by Police Scotland, including similar locus and victim profiles and lack of information regarding offenders and motivation.
- 2.7 The 'NPCC Drink Spiking Meeting' for partners, chaired by DCC Rachel Kearton (Suffolk Constabulary), comprises membership from Police Forces throughout the country, the licensed trade and night time economy, Public Health England and third sector representatives. This meeting focusses on prevention measures, police updates and consistent communications messaging. The Police Scotland Communications Toolkit was recently shared with the Secretariat to disseminate to members. Another meeting of this group will be scheduled in early January.

3. Police Scotland Response

- 3.1 Under the Gold Command structure, Police Scotland co-ordinates its response to ensure consistent, high quality and timely investigations with quality controls to enhance our ability to identify patterns of reporting and offending. The structure encompasses both investigative and prevention strategies.
- 3.2 Of particular focus is the delivery of sensitive and appropriate prevention activity and communications. This focusses on safer spaces and perpetrator behaviour, rather than placing the focus and onus on potential victims. A Corporate Communications toolkit has been shared with Divisional Commanders, for them to disseminate as they see fit externally, to provide consistency and support to partners, including licensed premises, with the ability to signpost to third party organisations. The toolkit has also been shared with the Partner's meeting group to promote consistency in messaging ([Appendix A](#)) for dissemination as members see fit.
- 3.3 Wider engagement has been led by the Partnerships Prevention and Community Wellbeing (PPCW) portfolio. This has included work with health partnerships to ensure wider understanding of the issue and support evidence recovery. Links have also been made with other key partners including higher education, the licensing trade and Local Authorities, as well as the Scottish Violence Reduction Unit. There has also been a refresh and reinvigoration of the ByStander Awareness work. PPCW Division and Scottish Violence Reduction Unit (SVRU) worked together to add information specific to spiking to the current ByStander Awareness Package.
- 3.4 The Partners meeting outlined above is also held to promote continued engagement with relevant stakeholders, to complement the Gold and Silver meetings. The Partner's meeting allows Police Scotland to respond to concerns raised by stakeholders. An example being concern raised by students that a

victim of spiking may be hesitant to report the incident if they had voluntarily taken recreational drugs prior to being spiked, for fear of this being discovered during the course of an investigation. A document was prepared by Police Scotland and shared with the National Union of Students, which reassures potential victims that their report will be taken seriously, investigated fully and that Police will be investigating the crime they are reporting ([Appendix B](#)).

- 3.5 Forensic expertise, guidance and prioritisation via SPA Forensic Services has provided the opportunity to expedite the analysis of specimens and develop a better understanding of the drugs involved, to review and enable appropriate response and prevention activities. This work will also be incorporated into the wider Police Scotland Violence Reduction Strategy.
- 3.6 It is recognised that all genders may be affected by drink spiking or spiking by injection and the Project Vigilant framework has been adapted accordingly.
- 3.7 Scottish Government previously held round table discussions with stakeholders, Universities and representatives from the Night Time Economies to consider wider policy and ways to create safer spaces, in which Police Scotland fully participated.

4. Conclusion

- 4.1 Police Scotland takes the recent increase in reports of spiking very seriously and recognises the impact this can have on our communities. The establishment of a Gold Command structure and the activity outlined above, is designed to reinforce a professional, victim focused, investigative response, whilst providing consistent messaging and reassurance to report such incidents. Police Scotland will continue to engage with partners to understand the full impact of spiking and to address concerns, ensuring that a preventative message continues throughout the year and is reiterated in advance of Freshers' Week 2022.

Appendix A – Spiking Information Toolkit

Introduction

Welcome to the toolkit for spiking awareness. The purpose of this toolkit is to provide consistent messaging and reassurance about Police Scotland's approach to reports of incidents of spiking in pubs and clubs across Scotland.

We would like your support to ensure all licensed premises, including student unions, and all relevant stakeholders have information about spiking and how to prevent it. We hope this will provide reassurance to communities and those who attend licensed premises.

Included in this toolkit is:

- Information about spiking
- Key messages/statement
- Guidance for licensed premises
- Links to further information and guidance
- Suggested police divisional social media posts
- Suggested posts for licensees

Background

This year reports of spiking by injection circulated on social media and were picked up by the media. This resulted in an increase in reports to police forces across the UK, including Police Scotland. This has come in the midst of a national discussion about Violence Against Women and Girls, concerns around women's safety and calls for more to be done to keep women safe.

Police Scotland has a role to play in issuing advice and information around spiking, to provide reassurance and to warn perpetrators that we are taking this criminality seriously. We work in collaboration with partner organisations on prevention. This toolkit supports these objectives.

Our messaging is focused on bystanders and perpetrators. We want people to report if they see something suspicious, to step in if they think someone may be at risk or see someone behaving suspiciously.

Most people reporting incidents of spiking, whether in drinks or by injection, are women, aged between 17 – 27 years of age. Most incidents occur at the weekend. While the number of incidents reported continues to reduce, it is likely that this is an under-reported crime.

National Message

Police Scotland's national, positional statement is:

Assistant Chief Constable Gary Ritchie, PPCW, Police Scotland said:

"We continue to investigate reports from people having been "spiked" either with a needle or in their drink. Thankfully there has been a reduction in such instances and at this time we do not believe that any of the reports are linked. We are not always able to determine the reasons why a perpetrator carries out an assault in this way, but would like to reassure you that every report is taken seriously and perpetrators are dealt with swiftly and robustly.

"People, should be able to go out for a night out without fear of being spiked. We are working with a range of partners, both locally and nationally, to ensure licensed premises are safe spaces for all, through the continued delivery of ByStander Awareness training.

"We are also working in partnership with other emergency services, student bodies, Universities/Colleges and Third Sector organisations to raise awareness and provide support for anyone effected.

"We would encourage anyone who believes they have had their drink spiked or been assaulted in this way to contact Police Scotland on 101 or in an emergency 999."

Target Audiences

- Offenders
- Bystanders (including licensees)
- Students: significant concern has been reported by student bodies
- Wider public

This information and messaging will be aimed at bystanders and perpetrators.

We want to support licensees and those who work in pubs and clubs to spot the signs of spiking and ensure their premises are a safe place for all.

We want to reassure communities including student communities, that we take all reports seriously and that we will thoroughly investigate them all.

We want to encourage people to report any incidents of spiking and emphasise to offenders that we are taking all reports very seriously. It is hoped that by working with licensees we will have a deterrent effect on potential perpetrators, if they see that premises are taking real action against spiking.

We want to deter offenders.

Police Scotland Key Messages:

- People should be able to go out for a night out without fear for their safety including being spiked.
- Spiking, whether by adding drugs or alcohol to someone's drink, or by injection, without their consent, is a criminal offence.
- We are not always able to determine the reasons why a perpetrator carries out an assault in this way.

- Spiking can put people at significant risk of harm.
- Police Scotland takes every report of spiking extremely seriously and will investigate robustly.
- We are working with a range of partners, locally and nationally, to ensure pubs and clubs are safe spaces for all.
- We are providing advice and support, working in communities, with licensees, pubs and clubs. We are also offering bystander training to help spot the signs of when someone may be at risk.
- We are reaching out to student communities to offer advice, support and reassurance.
- If you believe you have been targeted or subjected to spiking whether by injection or in your drink, or think that a friend or someone you know has been targeted, then please report to Police Scotland on 101, or in an emergency always call 999.
- Anyone who reports being spiked will be taken seriously. Our investigations are victim-centred, ensuring people who report a crime are supported. Our focus is on investigating the crime being reported and identifying potential offenders.
- We would encourage anyone who believes they have had their drink spiked or been assaulted in this way to contact Police Scotland on 101 or in an emergency 999.

Attachments:

- Guidance for the licensed trade
- Links to further advice and information
- Social Media messaging

Relevant campaign messaging

Guidance for the Licensed Trade/Student Union

Spiking is when someone adds alcohol or drugs to another person's drink without their knowledge or consent and is a criminal offence.

Spiking by injection is when a needle is used to inject drugs into a person without their knowledge or consent and is also a criminal offence.

As a licensee you will want to ensure the safety and wellbeing of your customers when they are within, and around, your premises.

There are a number of steps you can take to help avoid incidents occurring:

- Train your staff to be aware of the possibility of drinks being spiked and encourage them to monitor unattended drinks
- Train your staff to recognise the signs of a person who may have had their drink spiked - this includes suddenly appearing intoxicated, drowsiness, vomiting or being disorientated.

- If anyone is acting suspiciously around unattended drinks challenge them or ask them to leave the premises immediately
- If a customer reports that their drink tastes or smells unusual, don't hesitate to replace the drink. If there is suspicion that the drink may have been spiked seize the drink and report it to the police immediately
- If a customer reports having their drink spiked be mindful they may not be the only one. Alert all staff, increase vigilance and consider patrols, CCTV monitoring and lighting of your premises
- If a customer appears drowsy, disorientated or showing signs of intoxication take action and assist - particularly those who may have become isolated or separated
- Don't hesitate to assist customers who appear suddenly intoxicated or disorientated - even if they are in the company of others
- Be vigilant and prepared to intervene when strangers offer assistance to anyone within, or outside, your premises
- Door stewards should be alert to persons loitering outside premises for no apparent reason and be prepared to challenge them
- Consider adopting a policy of personal search as a condition of entry to your premises
- Display clear signage informing customers that refusal to be searched will result in refusal of entry
- Consider increased numbers of door stewards to ensure thorough searches of customers
- Stewards should be encouraged to pay attention to items within wallets/purses/small pockets that could easily be missed. All searches should be carried out in a polite and professional manner.
- All incidents of drink spiking or spiking by injection should be reported to the police at the earliest opportunity. This will ensure all investigative opportunities are maximised, evidence is preserved and the likelihood of bringing offenders to justice is increased
- Licensed premises are in a position to make a significant contribution to the safety of their customers and enhance the experience for customers and staff through education and engagement.

Useful Links:

Crew2000 [Updates \(crew.scot\)](#)

Fearless [Home - Fearless](#)

Victim Support Scotland [Home - Victim Support Scotland](#)

Scottish Alcohol Industry Partnership [Scottish Alcohol Industry Partnership \(saip.org.uk\)](#)

Institute of Licensing Scotland [Region: Scotland | Institute of Licensing](#)

Security Industry Authority [Security Industry Authority - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Suggested social media messaging

Social media messaging for divisions

Twitter

Example 1

We all want to enjoy a night out.

Spiking can put people at risk of harm and is a criminal offence. We're continuing to work with licensees to make pubs and clubs a safe space for all.

All reports of spiking will be investigated.

Example 2

If you think someone is spiking or is showing the symptoms of being spiked, report it to bar staff, stewards or the police immediately.

Call us on 101 or in an emergency always dial 999.

Example 3

Signs of spiking appear suddenly and can include appearing intoxicated, drowsiness, vomiting or being disorientated.

If you see someone experiencing these symptoms, report it to bar staff or the police immediately. Dial 999 in an emergency.

Facebook

Example 1

We all want to enjoy a night out.

Spiking can put people at risk of harm and is a criminal offence. We're continuing to work with licensees to inform them on how to spot the signs of spiking to make pubs and clubs safe spaces for all.

All reports of spiking will be investigated. If you or someone you're with thinks they have been spiked, inform bar staff, stewards or the police immediately. Call us on 101, and always dial 999 in an emergency.

Example 2

We're working with licensees to make bars and clubs safe spaces for all.

Signs of spiking can appear suddenly. Symptoms can include appearing intoxicated, drowsiness, vomiting or being disorientated. Victims may be isolated or separated from their group.

If you see someone or if someone you're with is experiencing these symptoms, report it to bar staff or the police immediately. Dial 999 in an emergency.

Example 3

If you think someone is spiking, or is showing the symptoms of being spiked, report it to bar staff, stewards or the police immediately.

Call us on 101 or in an emergency always dial 999.

For licensed premises:

- We want to keep people safe when they are enjoying a night out. We are working with Police Scotland to prevent spiking and to ensure XXXXX is a safe space for all.
- We are taking steps including increased searches, training for our staff to spot suspicious behaviour and we will also be ensuring anyone who appears vulnerable will be looked after. Together we are working to ensure there is no place for this criminal and dangerous behaviour at XXXXX

Appendix B – What to expect when you make a report of spiking

Police Scotland takes all reports of spiking seriously and your report will be fully investigated.

The most important concern at the time of the report is the welfare of the person who may have been spiked. Your safety and welfare is our priority and medical assistance will be requested if necessary.

Our investigation will focus on the crime reported and on identifying those responsible for potential spiking offences. Officers will want to maximise all opportunities to fully investigate your report, so once your welfare is taken care of, they will ask you to provide an account of what has happened. They may also want to speak to your friends or people you were with, as they may be able to provide additional and important detail. This will allow officers to understand what has happened and to put an appropriate plan in place.

You may be asked to provide a urine and/or blood sample for analysis at our laboratory. These will only be taken with your full consent.

You will never be forced to provide these, but they will assist the investigation. These may be taken at a Police Station or other appropriate place.

You will also be advised of partner agencies who may be able to support you.

Universities Scotland submission to Education, Children and Young People Committee on spiking

Universities Scotland represents the Principals of Scotland's 19 higher education institutions. We work closely with various professional networks in the sector to inform our work and this submission was additionally informed by the expertise of the AMOSSHE Scotland network of Heads of Student Wellbeing.

Universities Scotland is a founding member of the Equally Safe in Colleges and Universities Group (now known as the Equally Safe Core Leadership Group for Higher and Further Education) and has had action to address gender-based violence (GBV) in its remit since 2017. Universities Scotland recently participated in two roundtable discussions on spiking in late 2021, organised and convened by the Scottish Government's Cabinet Secretary for Justice and Veterans. We work very inclusively and our policy and projects to address violence against women and girls (VAWG) have always included student representatives and organisations representing lived experience. This submission makes use of data from a survey of Scotland's universities taken in 2019. As such, practice in institutions may have overtaken the data and may under-represent the current situation.

It's important to start this submission by saying that non-judgemental and confidential support is available to all students from their higher education institution, if they think they have been a target of spiking (drink, drugs or by needle). The microsite endgbv.org lists university and college contact information as well as specialist services.

Prevalence

- Media reports of a rise in the incidents of spiking and a new threat of spiking by needle in autumn 2021 were alarming. We commend the organisers of the Girls Night In social media campaign for increasing the visibility of this threat, as part of the wider issue of violence against women, and securing urgent and more mainstream political attention on it at Scottish and UK level. Greater awareness will help to change societal attitudes towards zero tolerance of spiking and greater understanding and support for victims.
- It is more appropriate that Police Scotland comment on data on reports and prosecutions for crimes related to spiking and associated sexual offences in Scotland. In Scotland, there is no offence for "spiking" as such, instead such instances are likely to be recorded as either (i) crimes of administering a substance for sexual purposes under section 11 of the Sexual Offences (Scotland) Act 2009, or (ii) drugging (assault).
- Whilst this is a very serious issue, and the response must be robust, we note from stakeholder discussions at national and regional level and the data we have seen, that the number of reported incidents of spiking by needle in September and October is very low in contrast to the media's focus (although please note our comments on under-reporting below). Spiking of drinks (whether by alcohol or drugs) is more prevalent and a bigger concern. It is right that there is widespread

awareness of a potential risk but it is also important that we have accurate data and information to avoid disproportionate fear and anxiety.

- The law is different in England and it may also interest the Committee to note the data relating to autumn 2021 as shared by the National Police Chiefs Council as part of the Home Affairs Select Committee's inquiry into spiking at Westminster.¹
- Our understanding is that women are disproportionately (though not exclusively) the targets of such offences and men are disproportionately the perpetrators.
- We are not aware, from the evidence available at Scottish or UK level, that students have been the perpetrators of spiking or spiking-related offences.
- However, there are a number of challenges in gathering reliable data on spiking and a few points we would like to make in that regard:
 - The full extent of spiking will be significantly under-reported for several reasons including self-doubt and uncertainty of what happened as a result of fragmented memory (which is obviously a consequence of the crime), fear of being believed and fear of being judged.
 - Disclosures (to seek support) and reports to the police (to progress a criminal matter) or to universities (to seek support and/or to progress sanctions against the suspected perpetrator if they are a student) are different things. Only the Police have the ability to progress this as a criminal matter.
 - As noted above, victims of spiking can disclose and/or report what happened to them to one or many sources including the police, specialist VAWG organisations and/or their university or college. Whilst it is welcome that victims have options to seek support how and where they feel most comfortable, the data is not recorded consistently across these organisations nor can it be shared as standard which makes it more difficult to gain an accurate picture.
 - Students are not alone as a potential target of spiking. There is very limited evidence on the extent to which students specifically are being targeted above others in the 18-25 age range. We feel it is important that awareness campaigns are targeted at all ages and genders.

Prevention

Behaviours and culture.

- This is a far wider issue than can be addressed by universities alone however, universities have a duty of care to their students, which they take very seriously, and a corresponding responsibility to shape the culture in their community of students and staff and to define acceptable behaviours. This has been a very active area of policy development in recent years.
- Scotland's universities subscribe to both the Scottish Government's *Equally Safe*² strategy to address gender-based violence and to Universities UK's *Changing the Culture*³, dating from 2016, which is a strategic framework for addressing harassment of all forms (including all forms of sexual harassment).

¹ <https://committees.parliament.uk/writtenevidence/41480/pdf/>

² Scottish Government (2017) [Equally Safe Strategy](#)

³ Universities UK (2016) [Changing the Culture](#)

- This agenda has support at Principal level, with close connections into university systems of governance and regular institution-level checks on progress. A 2019 survey of progress indicated that 92% of Scottish institutions are taking an institution-wide approach to cultural change to ensure a safe and respectful environment (which covers GBV within a holistic approach to addressing harassment).⁴
- Universities are proactive in communicating behavioural expectations and sanctions to students. This approach is framed more widely than spiking but does take a specific focus on aspects of gender based violence. In addition to setting out acceptable behaviours in official policies, 77% of institutions advised they run preventative campaigns focused at students. 62% of institutions had delivered bystander training to students and 67% had delivered consent training (as of 2019).⁵ Bystander training is noteworthy in regards to spiking as victims of spiking risk being dismissed as drunk or out of control by their peers or staff in the night time economy which can leave them without the support they need and potentially more vulnerable (if they are told to leave a bar/club or can't get a taxi home).
- Every institution is committed to a rolling-programme of preventative measures (communications and training) with their student community and will be prioritising different aspects of this according to local need. This is intensive work, which needs to be repeated frequently given the highly transient nature of student communities with students entering/exiting higher education every year. Universities also face the challenge of getting their messages to cut-through to students, from the point of enrolment onwards, in what can be a very “noisy” and information-saturated environment for students. Some institutions have included this information in pre-arrival information (46% as of 2019), in induction talks (42%) in mandated consent training for new enrolments (no data available) and a signed document or contract with students (9%).⁶
- **Drink testing kits.** Discussions at the Scottish Government’s Roundtable meetings noted the availability of several testing strips/kits (of drink/saliva/urine) available commercially. There are several different resources available, which test for the presence of different drugs but we note Police Scotland advice that the strips vary in what they can test for and they may not be a reliable diagnostic or forensic tool. We are aware that some institutions make use of these resources (including some looking to implement them in situ from autumn 2021) but Universities Scotland does not have reliable data on the use of these in licenced premises on university campuses (whether owned by the university or student association).
- **Other measures taken by institutions.** In addition to student-facing communications, to raise awareness and indicate zero tolerance when it comes to spiking, several institutions stepped up the visibility of their actions in autumn 2021, in response to reports of increased incidents of spiking. Several university

⁴ Universities Scotland (2019) [Changing the Culture in Scottish HE.](#)

⁵ Universities Scotland (2019) [Changing the Culture in Scottish HE.](#)

⁶ Ibid.

premises already make use of the [Ask for Angela](#) initiative. The University of St Andrews introduced safety patrols and bag searches, the University of Glasgow increased surveillance at their night time venues and the West of Scotland implemented use of testing strips, as did Stirling University alongside additional staff training. However, institutions note that the impact of this is hard to note in the university sector given the number of in-person events and use of licenced premises on campus has been far more restricted in the period September 2021 to January 2022 as universities have been operating under more cautious restrictions than the rest of the economy.

Preventative approaches must be focused on perpetrators and not place undue emphasis on potential victims.

- The approach to prevent spiking needs a multi-agency approach which is focused on both on a robust police response, prosecution and stiff penalties, used as a deterrent. Communications must also focus on perpetrators (akin to Police Scotland's "Don't Be That Guy" campaign) rather than steer potential victims to adjust their behaviours in a way that risks victim-blaming (as with other incidents of GBV) and discourages disclosures/reporting.
- In the wake of news reports of an increase in spiking incidents in autumn 2021, universities stepped up their communications to students to raise awareness and understanding. We believe that university-communications, often co-created with their student associations or working in partnership together, got the messages and tone right.
- University communications to students have also made it clear from the outset of the pandemic, that students will face no consequence if/where they disclose/report an incident of GBV (like spiking) that occurred during breaches of COVID regulations (such as a house party that would have broken restrictions on household mixing) as we do not want that to be a deterrent to reporting and seeking help.

Response

- Only the police can progress a criminal case. Universities' role in responding (in addition to prevention work) is potentially two-fold. Primarily, our role is one of support for a student making a disclosure and/or report of spiking. Secondly, universities may also have a role in progressing disciplinary procedures where there a student may be a perpetrator of spiking and a report is made within an institution's processes to this end.
- **Support.** Confidential and non-judgemental support is available in every university for any student who thinks they may have been a victim of gender-based violence. Support is not conditional on the person's willingness to report the incident, which is an important point. Several universities have trained sexual violence and misconduct liaison officers (SVMLO) who can provide specialist support. More generally, it is possible that a student will disclose that they have been spiked (or are a victim of other forms of GBV) to a university staff member they know and trust (whether trained or untrained). To ensure that no member of university staff lacks the basic understanding of how to respond to an initial disclosure of GBV,

back in 2018 Universities Scotland worked with partners (including VAWG organisations, Scottish Government and NUS Scotland) to create and distribute over 100,000 GBV support cards to be worn or carried by every member of university (and college) staff. [The cards](#) include 6 steps to guide a first disclosure conversation (taken from the Equally Safe Toolkit, intended to avoid judgement, offer reassurance that they are believed and prevent further trauma) and contact information for specialist support services so there is a clear path to the right advice.

- **Reporting.** In regard to reporting within a university context, universities have been very active on this front with more than 75% spending time improving the visibility and clarity of information on how to report by 2019, more than two-thirds developing or improving their mechanisms for reporting by then and more than 66% investing time and resource into staff training.⁷
- **Reporting.** Centralised online reporting tools are now used by several Scottish HEIs, with the tool (and therefore the data) specific to each institution. Universities Scotland has not updated our figures on the use of online reporting tools in the sector since 2019, but we suspect this will have increased over the last two years given the accelerated reliance on online platforms due to the pandemic. Online reporting tools allow for anonymous and non-anonymous reporting. The move to a centralised reporting system for GBV and/or harassment within each institution is significant progress as this was not commonly the case prior to 2016. A centralised reporting system helps each institution to develop more robust data that can be acted on and can also be reported to leadership teams (and governing bodies) to inform strategy, resource allocation and training.
- **It comes back to culture.** Universities are aware that in addition to having reporting platforms and processes in place, the bigger issue is having the environment where those who have experienced spiking and other forms of GBV or harassment have the confidence to come forward, knowing their report will be acted upon. This brings us back to comments made earlier on establishing the right culture within universities.

Partnership working with the Police

- As incidents connected to spiking can be a criminal offence, close working between universities and their local police forces is vital to best safeguard potential and actual victims. Although still highly challenging, Police Scotland is best placed to gather up-to-date information on the prevalence, location, motives and perpetrators of spiking, and should share as much information as is appropriate with universities in order to maximise the effectiveness of communications to students and potential victims.
- Scotland's universities report effective local relationships with Police Scotland in regards to violence against women and student safety. In a 2019 survey of universities' approaches to addressing harassment of all forms, 85% of institutions said that external partners have been key to their approach, with Police Scotland,

⁷ Ibid.

alongside the NHS and regional rape crisis centres, as the most frequently cited partner.⁸

- Scotland has two *Fearless* initiatives, *Fearless Edinburgh* and *Fearless Glasgow*, both of which are city-wide collaborations between universities, colleges, Police Scotland, the City Council and VAWG organisations, focused on tackling GBV. Other institutions in other parts of Scotland have largely similar city or regional collaborations with the Police and other partners (though not operating under the *Fearless* name).
- At a national level, Police Scotland has worked closely with the Equally Safe Colleges and Universities Group since its inception. Since expanding its remit in 2017, to include GBV, Universities Scotland has benefited enormously from the expertise of Police Scotland and is grateful to its officers.

⁸ Ibid.

The logo for SPICe, featuring the text 'SPICe' in a white, sans-serif font on a dark purple background.The logo for The Information Centre, featuring the text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in a white, sans-serif font on a dark blue background.

Education, Children and Young People Committee

Wednesday 26 January 2022

Drink and Needle Spiking

Introduction

The Committee has agreed to hold a one-off, roundtable evidence session on drink and needle spiking.

This paper covers background on concerns around drink and needle spiking, Scottish Government and university and college sector work underway on Gender Based Violence (GBV), and criminal justice and licensing aspects of drink and needle spiking.

Background

The issue of drink and needle spiking rose to prominence in October 2021; a time when students were returning to universities for the beginning of the new academic year. While drink spiking has been a known issue for many years, last year saw a rise in reports of spiking by injection. In October 2021, [BBC Scotland reported](#) that Police Scotland was investigating reports of spiking by injection in Edinburgh, Dundee, Glasgow and Aberdeen.

Spiking is when someone adds alcohol or drugs to another person's drink without their knowledge or consent.

Spiking by injection is when a needle is used to inject drugs into a person without their knowledge or consent.

Drink spiking and spiking by injection may be prosecuted using several criminal offences.

Police Scotland's submission to the Committee states most victims of spiking are young women, aged between 18 and 26 years. The [BBC reported on 20 January](#)

[2022](#) that Police Scotland had not identified any cases of spiking by injection in Scotland, out of 51 reports between 1 January to 31 October 2021.

Boycott of bars and nightclubs

Following the reported increase in spiking, the [‘Girls’ Night In’ campaign](#) was launched to raise awareness of spiking and call on bars and nightclubs to take greater responsibility for women’s safety. The campaign was started by University of Edinburgh student Martha Williams, who will be appearing as a witness at the Committee. Campaigners called for an organised national boycott of nightclubs.

Girls’ Night In is open to all to join and has gathered support in over 50 locations across the UK, including London, Edinburgh, Bath, Liverpool, and St Andrews.

[Campaigners want bar and nightclubs owners to:](#)

- Introduce bystander training for all club and bar staff;
- Ensure there is a designated welfare officer;
- Make anti-spiking devices available;
- Have a clearly communicated zero-tolerance policy on spiking and a procedure on reporting.
- Provide support for staff and customers in relation to spiking.

The campaign had attracted some criticism for encouraging women not to go out, but the organisers say this action is needed to ensure venue owners take their safety seriously.

Petition to UK Parliament and proposed review of spiking

[A petition to the UK Parliament](#) was also lodged in October 2021 by Hannah Thomson from Glasgow. This is unconnected to the Girls’ Night In campaign. The petition called for the UK Government to legislate to ensure nightclubs search guests on arrival for weapons and other items to prevent incidents of spiking. The petition has been signed by over 174,000 people and will remain open until April 2022.

The [UK Government responded to the petition](#) on 4 November 2021 stating that the law already allows licensing authorities to impose conditions such as searches and there are no plans to change the law. Ms Thomson’s [petition was debated in the UK Parliament on 8 November 2021](#).

On 17 January 2022, the House of Lords debated the UK Government’s Police, Crime, Sentencing and Courts Bill. The [Bill was amended to include a requirement for the government to set up a review](#) of the prevalence of and criminal justice response to drink and needle spiking.

Licensing and policing are subjects which are devolved to the Scottish Parliament under the Scotland Act 1998. There are different legal frameworks in place here. Nightclubs and pubs in Scotland can currently choose to search guests (as long as they do not do so in a way that is discriminatory under the Equality Act 2010). It could also be possible to require some form of search as a licence condition, either via legislation or via the policies of individual licensing boards. For example, Glasgow City Council's suggested local licensing conditions contain a requirement for a search policy to discourage the misuse of drugs and the carrying of offensive weapons.

However, there are downsides to searches too. Extensive searching, as is likely to be necessary to find small quantities of date rape drugs or syringes, may cause queues to form outside the venue. This can be off-putting to potential customers, and therefore bad for business. It can also cause noise and litter problems for neighbours. More selective searching risks being discriminatory or failing to prevent problem items being brought into the venue.

More information on licensing can be found in the '**Alcohol Licensing Issues**' section of this briefing.

UK Parliament Home Affairs Committee Inquiry

The UK Parliament's [Home Affairs Committee is currently undertaking an inquiry on spiking](#). The [first oral evidence session took place on 12 January 2022](#), where the Committee heard from three witnesses with experience of drink or needle spiking, followed by representatives from the Alcohol Education Trusts, Stamp Out Spiking and the University of Lincoln.

While the witnesses with first-hand experience of drink and needle spiking describe incidents that did not take place in Scotland, their accounts provide first-hand accounts of spiking that can help inform the Committee's work on drink and needle spiking in Scotland. Extracts of their evidence are provided below.

Zara Owen, a student at the University of Nottingham, shared with the Committee her experience of being spiked by injection. [Ms Owen told the Committee](#):

"I was at a night club with my friends. I had not had much to drink that night. There was a specific time when I thought it was going to be like any old normal night out with my friends. I remember going to the club; going to the bar; going to the photo booth and toilets with them; and from then until being at home I have no memory of the entire event.

It is something that never happens to me. It gave me a feeling of scaredness and horror in the morning because I woke up with a really sharp, agonising pain in my leg which left me limping. I thought, 'This is a bit strange. I don't know how this could have happened'. When I touched that part of my leg, I found a pinprick mark. The pinprick mark was the epicentre of all the pain. That, combined with the lack of memory that I had, really confused me. As I

had heard of people being spiked by injection, through social media and not through the news, I thought that could have happened to me.

Over time, I researched a little bit more and I thought, 'Yes, this is what happened to me'. It is a scary thing to admit to having had done to you because when you go out you protect yourself. You cover your bottles; you check your drinks; you never leave them unattended. The fact that somebody injected a narcotic into my body without me being aware is terrifying. When I go clubbing I have to keep aware of my surroundings and my friends' surroundings to see if anyone is acting a little bit maliciously or suspiciously at all. That is not what we should be doing on a night out. We should be enjoying ourselves. We should be having fun and letting our hair down, but with these added risks you cannot do that."

Ms Owens also told the Committee she had reported the incident to the police, but as it was a few days later and there was no evidence of drugs in her system, the case was filed as 'undetected'.

Alexi Skitinis described her experience of having her drink spiked. Ms Skitinis [told the Committee of her experience of having her drink spiked](#) in Las Vegas, stating:

"I think I was on my second drink of the night, and then they brought over a round of shots. We drank them and within 10 or 15 minutes I started to feel confused. My feet were going numb. I could not move my hands. When I say I could not move my hands, I actually could not make a fist. All of a sudden everything just became heightened. All my senses became heightened apart from my feeling. I could hear the music, but everything was really loud. I could not actually move my hands.

There was a booth on the dance floor. I came off the booth and hid myself. Obviously, I was scared because I was in a different country on my own. I went into the corner and I was there for about two hours, speaking to security and just trying to make myself come around.

I got separated from the colleague I was with, and I was on my own in Las Vegas for about six hours of the night. Then two or three days later I ended up in hospital, which obviously was a very scary time. I want to make people aware. I know that the majority of spikes are females, but anyone can be spiked at any time in any place. I want to shed light on that."

Hannah Stratton also described her experience of having her drink spiked in Newquay in Cornwall. Ms Stratton told the Committee:

"I went out a few months ago to a very quiet bar which I specifically chose because I did not want to be in the busyness of Newquay in the late summer. My drink was drugged. I do not like to use the word 'spiked' any more, although that is what I have always talked to my daughters about, because I do not think that I was spiked. I think my drink was drugged. I personally

would like to move away from that term because I think it belittles the experience that so many people are going through.

I was sitting very happily in this very quiet little bar with two friends. I said, 'I'm only going to have a couple of drinks because I've got a busy weekend'. We were sitting talking, and then the next minute I had no ability to hold my upper body up at all. I just put my head on the table. I physically could not lift it up. I remember the top of my legs, predominantly, being just like lead. They were solid. I could not move at all.

I remember my friends saying things like, 'Oh, it's okay, it happens to us all'. I just kept on repeating over and over again how embarrassed I was. My other friend was saying, 'Look, we'll get a taxi and get you home'. I was saying, 'I can't move. I cannot move out of here'. This is all quite blurry and put together with things they have told me.

I was violently ill. It was so degrading. I was violently ill in the place where we were. They managed to get me out, literally holding either side of me to get me out, down the stairs and outside into a taxi. Then these are the bits that they have told me about. The taxi driver was really quite judgmental towards me. He thought that I was drunk, as I think is probably what happens in society. I think that needs to change. We need to be much more aware that this is so commonplace and offer assistance and support and not be judgmental with predisposed ideas.

My friends got me home, thank God. None of us had any idea at all that this had happened. I had no idea at all. It was not until the next day that I was trying to work it all out. I was with another friend and I was saying to her, 'I'm just so embarrassed. I can't believe this happened. I only had a couple of drinks'. Then she said, 'I think your drinks have been spiked'. The more that we talked and got involved with the people I went out with, we put two and two together and realised that is what had happened. It was overwhelming shame—so shameful that it had happened."

Relevant Scottish Parliament Committee work

While drink and needle spiking has not been covered by other Scottish Parliament committees, the Scottish Parliament's Criminal Justice Committee's January 2022 report ['Judged on progress: The need for urgent delivery on Scottish justice sector reforms'](#) covers the Committee's recent work on violence against women and girls at pages 25 to 37.

Response to Spiking in Scotland

Equally Safe in Colleges and Universities

The [Equally Safe in Colleges and Universities Core Leadership Group](#) covers issues around Gender Based Violence (GBV) in further and higher education, with a focus on prevention. Group members include the Minister for Higher Education, Further Education, Youth Employment and Training, NUS Scotland, the Scottish Funding Council, AMOSSHE, Colleges Scotland and Universities Scotland.

The group has developed a [two year Strategic Plan](#) up to March 2024, informed by the wider Scottish Government and COSLA [Equally Safe Strategy](#). This plan outlines its priorities, which include: sharing good practice, supporting universities and colleges to implement robust GBV reporting procedures and ensuring effective referral pathways (e.g. to NHS services, Police Scotland etc.) for survivors are in place across the country.

The Core Leadership Group discussed needle spiking at its [30 November 2021 meeting](#). Group members stated that drink spiking remained the more common means of spiking, and Rape Crisis Scotland reported that internal data showed one report of needle spiking in their last reporting period. Members also discussed a reluctance to report spiking incidents for reasons including fear of not being taken seriously, uncertainty about the rights of the victim and fear of disbelief based on lack of memory of the incident. NUS Scotland raised concerns that enhanced security at venues as a means of tackling spiking may impact disproportionately on people from black, Asian and minority ethnic communities.

Ministerial Roundtable on Spiking

The Cabinet Secretary for Justice and Veterans Keith Brown MSP and the Minister for Higher and Further Education Jamie Hepburn MSP held a Ministerial Roundtable on the issue of spiking on 4 November 2021.

A second Ministerial Roundtable was held by the Cabinet Secretary for Justice and Veterans on 8 December 2021. Attendees included Police Scotland, NHS24, the Night Time Industries Association, AMOSSHE, Victim Support Scotland, COSLA, NUS Scotland, Rape Crisis Scotland, Universities Scotland, along with a number of other public sector and business representatives.

Points arising from the discussion included:

- Reports of spiking have declined since October 2021.
- Police Scotland have taken steps to agree a reporting protocol, including working in partnership with health colleagues and third sector partners.
- Police Scotland will look to include spiking in any future campaigns on the topic of GBV.
- There was uncertainty among health participants around how a person can access a test to see if they had been drugged and whether they can do this without reporting the incident to the police.

- The Violence Reduction Unit are supporting Police Scotland and the night time economy to continue the roll out of bystander training and a toolkit is available as part of this.

Actions to take forward from the roundtable were:

- for health pathways for spiking cases to be further explored, including looking at the role NHS Sexual Assault Response Coordination Services could play.
- Clarification of pathways for victims in cases where there is uncertainty around sexual offending associated with the spiking.
- Police Scotland and the Scottish Government will consider a public awareness campaign to promote understanding of spiking and signpost to available help.

Reporting of sexual misconduct to universities

On 18 January 2022, a number of [news reports highlighted](#) Freedom of Information requests which found that since the 2016-17 academic year, 394 reports of “sexual impropriety” have been made to Scottish universities. The FOIs found:

- About 308 reports were made against students, while 68 were made against members of staff. (Edinburgh Napier provided a percentage rather than a figure – 84% of accusations were made against students and 16% against staff.)
- Investigations were launched into “at least” 257 of the accusations, and “at least” 130 sanctions were given. Sanctions included 22 exclusions, five suspensions, two dismissals of staff and 46 warnings or cautions.

The Royal Conservatoire and Heriot Watt University did not provide figures, stating there were less than five reports each year.

Information on the nature of the sexual impropriety reported was not given, so it is not clear if any of these reports were related to drink or needle spiking.

Universities Scotland is in the process of [reviewing 2016 UK Guidance on student misconduct](#).

Criminal Justice Issues

Criminal offences

Although there is no specific offence of drink or needle spiking, various offences may apply.

In seeking to respond to freedom of information requests for statistics in this area (discussed below), Police Scotland has provided figures relating to what it described as the “two most potentially relevant crime classifications”:

- the common law offence of drugging
- the statutory offence of administering a substance for sexual purposes

Police Scotland has noted that the common law offence covers situations where

“drugs are feloniously administered with intent to produce stupefaction. There need be no further intent, and it is not necessary that injury to the person be caused.”

The statutory offence is set out in [section 11 of the Sexual Offences \(Scotland\) Act 2009](#), which provides that:

(1) If a person (“A”) intentionally administers a substance to, or causes a substance to be taken by, another person (“B”)—

- (a) without B knowing, and
- (b) without any reasonable belief that B knows,

and does so for the purpose of stupefying or overpowering B, so as to enable any person to engage in a sexual activity which involves B, then A commits an offence, to be known as the offence of administering a substance for sexual purposes.

(2) For the purposes of subsection (1), if A, whether by act or omission, induces in B a reasonable belief that the substance administered or taken is (either or both)—

- (a) of a substantially lesser strength, or
- (b) in a substantially lesser quantity,

than it is, any knowledge which B has (or belief as to knowledge which B has) that it is being administered or taken is to be disregarded.”

Other offences might also be relevant depending on the circumstances (e.g. stabbing a person with a syringe may amount to assault without evidence of what it contained).

Policing

In October 2021, [Police Scotland issued a statement](#) saying:

“We continue to investigate a number of reports across the country from people who report having been ‘spiked’ either with a needle or in their drink.

We are also aware of posts referring to spiking incidents circulating on social media. Our enquiries are ongoing and at this time we do not believe that these reports are linked.

Each year we receive a small number of reports of what can be termed spiking, with a small but notable increase in October and November.

We are not always able to determine the reasons why a perpetrator carries out an assault in this way, and it may not always be for a sexual purpose. It can put people at significant risk of harm. We will take every report extremely seriously and investigate robustly.

Women, and men, should be able to go out for a night out without fear of being spiked. We are working with a range of partners, locally and nationally to ensure pubs and clubs are safe spaces for all. This includes working with licensees.

Anyone who reports having their drink spiked or has been assaulted by whatever means, will be taken seriously. We would encourage anyone who believes they have had their drink spiked or been assaulted in this way to contact Police Scotland on 101 or in an emergency 999.”

More detailed information is set out in Police Scotland’s written submission to the Committee.

The Cabinet Secretary for Justice has commented on policing in response to a parliamentary question ([S6W-03861](#) answered 1 November 2021):

“Police Scotland are pursuing every single report of spiking through a Gold command established on this issue and led by an Assistant Chief Constable – which is reaching out to universities, licensed premises, Public Health Scotland, and victim support organisations. Police Scotland have also established connections with the Scottish Ambulance Service to ensure that any spiking cases are brought to their attention.”

In a paper for a meeting of the Scottish Police Authority (SPA) on 19 January 2022, [Police Scotland provided an update on efforts to tackle violence against women and girls](#). The paper includes reference to spiking. The [BBC reported](#) that at the meeting, Police Scotland told the SPA they had not identified any cases of spiking by injection in Scotland, out of 51 reports between 1 January to 31 October 2021. In response to this, the [Scottish Drugs Forum said](#):

"It is fairly common that people report incidents a number of days or longer afterwards which would make detection of substances challenging given some substances are out the system within 24 hours."

Statistics

Police Scotland has, in response to freedom of information requests, sought to provide an indication of the number of reports it receives of drink and needle spiking. It has done this by providing recorded crime statistics for:

- (a) the common law offence of drugging; and

(b) the offence of administering a substance for sexual purposes under section 11 of the Sexual Offences (Scotland) Act 2009.

The figures set out below are taken from three freedom of information responses issued by Police Scotland on 17 December 2021 (references [2021-2403](#), [2021-2541](#) and [2021-2731](#)).

The first three tables use police recorded crime statistics for the above offences during the period 2015 to 2021. The figures for 2021 cover the period up to 31 October only.

Table 1: Recorded crime

year	2015	2016	2017	2018	2019	2020	2021 (part)
drugging (common law)	15	12	21	18	20	20	137
section 11	1	7	12	11	23	16	15
total	16	19	33	29	43	36	152

Table 1 shows a large increase in the number of incidents recorded under the common law offence of drugging in 2021. This is despite the figures for that year not including the months of November and December.

The 2021 increase may reflect a rise in the number of incidents and/or a greater proportion of incidents being reported (e.g. due to people becoming more aware of the issue). In its written submission to the Committee, Police Scotland states:

“In mid-October 2021, following reports in the media and social media of spiking by injection, public concern understandably increased. This resulted in an increase in reporting to police services across the UK, including Police Scotland.” (para 1.2)

The fact that the common law offence was more frequently used than the statutory offence would appear to reflect a lack of evidence of any sexual purpose (whether there was such a purpose or not). The submission from Police Scotland says that very few cases involved secondary offending (either sexual or acquisitive crime) and that motivation remains unknown.

Table 2: Recorded crime – drugging and section 11 by locus

year	2015	2016	2017	2018	2019	2020	2021 (part)
bar / pub	5	1	8	5	5	5	44
nightclub	3	3	7	2	3	1	66
residence	5	12	14	19	32	26	26
other	3	3	4	3	3	4	16

total	16	19	33	29	43	36	152
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Table 2 indicates that most of the increase in recorded offences in 2021 occurred in bars/pubs and nightclubs.

Table 3: Recorded crime – drugging and section 11 by alleged method

year	2015	2016	2017	2018	2019	2020	2021 (part)
drink	12	13	24	15	28	25	69
injection	1	-	-	-	2	3	51
other / unknown	3	6	9	14	13	8	32
total	16	19	33	29	43	36	152

Whilst table 3 highlights substantial increases in both drink and injection incidents, the climb in the latter – rising from a low base line – is particularly noticeable.

The fourth table uses police recorded crime statistics for the above offences during the month of October (2017 to 2021). In addition to providing information on the gender of the victim/complainer, it highlights just how many of the 152 incidents recorded for the first ten months of 2021 relate to just one month.

Table 4: Recorded crime – drugging and section 11 by gender of victim

month	October 2017	October 2018	October 2019	October 2020	October 2021
female	3	4	-	4	100
male	-	-	-	-	20
not recorded	-	-	-	-	2
total	3	4	-	4	122

Police Scotland notes in its submission that it received its highest level of spiking reports over the Halloween weekend 2021 and that numbers have reduced significantly since then.

In response to a parliamentary question on convictions for drink spiking, the Cabinet Secretary for Justice noted that ([S6W-03862](#) answered 8 November 2021):

“There is no specific offence for ‘drink spiking’ however the Scottish Government Criminal Proceedings database shows there were no people convicted for offences under section 11 of the Sexual Offences (Scotland) Act 2009 (administering a substance for sexual purposes) or for drugging from 2015-16 to 2019-20.”

Scottish Government [criminal proceedings statistics](#) for 2020-21 have yet to be published.

Alcohol Licensing Issues

Venues which sell alcohol – including pubs and nightclubs – require a licence under the Licensing (Scotland) Act 2005. The regime set up by the 2005 Act creates a range of powers relevant to the control of drinks and needle spiking. Licensing boards (legally separate from, but administered by, local authorities) are responsible for alcohol licensing.

Some of the key controls are:

The licensing objectives

The 2005 Act sets out five principles which should guide licensing board decisions. These include:

- preventing crime and disorder
- securing public safety
- preventing public nuisance.

In theory, this would give licensing boards the necessary framework to take proactive decisions in relation to the control of drink and needle spiking. However, the powers in the 2005 Act must be used to regulate the sale of alcohol rather than for more general public interest aims. This may place some limits on the initiatives which can be pursued through the licensing regime.

The requirement for a premises licence

Anyone wishing to sell alcohol on a regular basis must apply for a premises licence. The application includes an “operating plan” detailing how the premises will be run on a day-to-day basis.

When making a decision to grant a licence, the licensing board will consider the licensing objectives, the suitability of the venue, the suitability of the applicant and the way the premises will be run. Other stakeholders, including the police, are invited to comment on licence applications.

Licences do not have to be renewed, but they can be reviewed on the initiative of the licensing board. Where a licensee plans to make changes to the way a venue is run, they must apply for a variation to their licence.

Licence conditions

It is possible to attach conditions to a premises licence. There are a list of mandatory conditions in the 2005 Act which attach to every licence. Local authorities can also add standard conditions (applying to all licences of a certain type – eg. late opening premises) as well as conditions specific to that particular licence.

It may be possible, for example, for a licensing board to add conditions around CCTV, drinks covers or search requirements. Note though that local conditions must not be inconsistent with mandatory conditions nor make them more onerous. In addition,

conditions can be challenged in court where it can be argued that they are not reasonable or sufficiently clear.

Licensing Standards Officers

All local authorities must appoint at least one licensing standards officer. Their role is to supervise compliance with licensing requirements and to liaise with stakeholders. The licensing standards officer can work with licensees, the police and other interested groups to agree an improved approach to drink and needle spiking. The licensing standards officer can also highlight licensing breaches to the licensing board, which can then decide to review a licence.

Personal licences

Anyone with responsibility for supervising the sale of alcohol must have a personal licence. These come with training requirements and must be regularly renewed. It would be possible, for example, to require training in relation to supporting people who have been spiked.

Health and safety

Anyone responsible for premises has separate legal duties under the Health and Safety at Work etc. Act 1974. These cover minimising health and safety risks to employees and others, including customers, who visit the venue. They must carry out a risk assessment and then take steps to minimise any risks identified.

In venues where drink or needle spiking is a risk, appropriate measures should be in place to reduce this risk.

Late-opening licensed premises

The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 place additional licensing conditions on premises which open after 1am.

Any licensed premises open after 1am must have a trained first-aider present.

Certain venues with a capacity of 250 or more, including nightclubs (and pubs with dancing) and places with more standing than seating capacity, must meet additional requirements. These include having door staff, a CCTV system which meets police requirements, written policies in relation to drugs misuse and making regular welfare checks on people using the toilets.

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SPICe Research
20 January 2022**

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