

Regulatory Committee

10.00am, Monday, 21 November 2022

Motion by Councillor McFarlane – Prevention of Drug Deaths

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

1.1 Committee is asked to:

1.1.1 Note that this report is in response to the motion from Councillor McFarlane at Full Council on [30 June 2022](#) on Prevention of Drug Deaths;

1.1.2 Note that the Licensing Standards team will continue to liaise with Edinburgh Alcohol and Drugs Partnership (EADP) and the NHS Harm Reduction Team to explore options for a pilot scheme with respect to the provision of Naloxone within liquor licensed premises;

1.1.3 Refer this report to the Licensing Board for the Board's information; and

1.1.4 Discharge the outstanding remit relating to the Regulatory Committee.

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Executive Director of Place

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Report

Motion by Councillor McFarlane – Prevention of Drug Deaths

2. Executive Summary

- 2.1 On [30 June 2022](#), the City of Edinburgh Council approved a motion by Councillor McFarlane on the Prevention of Drug Deaths, which included an action to *“request a report in two cycles to the Regulatory Committee to explore opportunities within licensing provision to increase requirements for training in administering Naloxone for licensed premises, door staff and personal licence holders”*.
- 2.2 This report summarises the work carried out to date in this respect.

3. Background

- 3.1 On 30 June 2022, the City of Edinburgh Council debated the motion on drug related deaths and possible measures to respond to these.
- 3.2 Naloxone is a drug which temporarily reverses an opiate overdose, and which can be administered by non-medical professionals.
- 3.3 From the information available to the Council from Police Scotland and Licensing teams, there is no direct evidence of a pattern of opiate overdose in liquor licensed or other premises licensed by the Council.
- 3.4 Advice has been sought from the Edinburgh Alcohol and Drugs Partnership (EADP) and NHS Lothian’s Harm Reduction Team (HRT) on what proactive steps could be taken to address the issues raised in the motion.
- 3.5 Some licensed premises already act as community hubs, hosting automated external defibrillators (‘AEDs’) and other community resources. While it is not envisaged that Naloxone would often be required on these premises, providing it at these locations would make it available for the local community if required.

4. Main report

Licensed Premises

- 4.1 Officers considered whether it would be possible to make the provision of 'Take Home Naloxone' ('THN kits') a condition of either Personal or Premises alcohol licences.
- 4.2 This would primarily be a matter for the Licensing Board, which is the licensing authority for those premises.

Other Types of Licence

- 4.3 Consideration was also given to whether other types of licence which fall within the remit of the Council might fall within the scope of the motion.
- 4.4 The starting point for any mandatory training, which would be imposed as a requirement by means of licence condition, is that it must be within the powers available to the licensing authority, and that there is a clear evidence base which would justify such a condition.
- 4.5 The [Civic Government \(Scotland\) Act 1982](#) is now quite outdated and does not provide a basis for addressing contemporary issues. As such, it would not provide the framework for a condition of licence that would require staff in licensed premises to undergo mandatory training of this type. The courts have consistently overturned attempts to use the 1982 Act to regulate contemporary issues beyond the core purpose of the Act.
- 4.6 Additionally, the Council would be required to show an evidence base for why such a condition is necessary and proportionate, which at present does not exist. Taking these two points together, Committee is advised that it would not be feasible to introduce a mandatory training requirement for any licence type administered by the Council.

Other Options

- 4.7 Officers from Regulatory Services have met with colleagues in EADP and HRT to discuss whether there are other options and have jointly agreed to take forward the motion via the pilot work described below, and thereafter to assess its impact.
- 4.8 It is believed that the kits can be provided via NHS HRTs. These teams can also provide training on use of THN kits, which takes only a short time.
- 4.9 Several options for the distribution of the kits have also been discussed. It is intended to investigate an intelligence-based targeted approach. The EADP will liaise with Licensing Standards Officers to identify areas of peak need, with resources then being focussed appropriately:

Licensing Standards Officers	<ul style="list-style-type: none"> • Collaborate with EADP to identify premises which would benefit from the training • Monitoring of premises (to be carried out as part of routine inspections)
Harm Reduction Team	<ul style="list-style-type: none"> • Provision of THN kits • Training • Administration

4.10 Once targeted premises have been identified, the next phase of work will include the following:

Scottish Ambulance Service	<ul style="list-style-type: none"> • Raising awareness of kit locations and premises opening hours
EADP	<ul style="list-style-type: none"> • Communications
Harm Reduction Team, Turning Point Scotland, local pharmacies	<ul style="list-style-type: none"> • Raising awareness • Potential for leaflet distribution
Licensed premises	<ul style="list-style-type: none"> • Engage with communications plan (EADP) • Undertake training (HRT) • Store THN kits appropriately • Engage in THN kit monitoring (HRT)

4.11 Initial discussions identified that there may be a role for the Security Industry Authority (SIA). Officers will liaise with SIA representatives to explore any possibility of including training on use of the THN kit in mandatory SIA first aid training.

4.12 Finally, officers are aware that one of the taxi companies within the city has been encouraging drivers who are part of their network to participate in the training and carry a THN kit. Officers will engage with the Hire Car Trade Group to establish if there is scope to widen participation with other Taxi and PHC companies.

5. Next Steps

5.1 Officers will continue to work with NHS teams to establish a pilot zone. Given this is more directly relevant to the remit of the Licensing Board, any updates will be provided to the Board.

6. Financial impact

6.1 THN kits will be provided via NHS Lothian's HRTs as required.

7. Stakeholder/Community Impact

7.1 The report proposed no policy change for the reasons set out in the report and therefore there is no direct impact.

8. Background reading/external references

8.1 None.

9. Appendices

9.1 None.