



Health, Adult and Community Services Directorate
Community Safety Division

Dear Sir or Madam

We would like to ask you some questions about our proposals to introduce a Public Spaces Protection Order to tackle the issue of antisocial behaviour, linked to the recreational use of psychoactive substances e.g. nitrous oxide.

Please find enclosed information on what we are proposing and a questionnaire to get your views on these. Please send a completed questionnaire back to us in the enclosed prepaid envelope by 15th February 2021.

If you would like support to complete the enclosed questionnaire or more information to understand the proposals, you can phone **020 7364 2930**, 9am-5pm, Monday to Friday. You can also email any feedback or questions on spp@towerhamlets.gov.uk or saferneighbourhoods@towerhamlets.gov.uk

Yours faithfully

Ann Corbett
Divisional Director, Community Safety

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Introduction

We are consulting on proposals to introduce a Public Spaces Protection Order (PSPO) to deal with the antisocial behaviour and nuisance linked to the possession and recreational use of psychoactive substances (e.g. nitrous oxide) in a public space.

The Psychoactive Substances Act 2016 introduced legislation to deal with substances often referred to as 'legal highs.' This legislation though only made it a criminal offence to supply or be in possession with intent to supply psychoactive substances such as nitrous oxide and made no provision to deal with possession and recreational use.

The Anti-Social Behaviour Crime and Policing Act 2014 introduced a range of tools and powers. One of those powers relates to Public Spaces Protection Orders. A Public Spaces Protection Order (PSPO) is an order that identifies a public place and prohibits specified things being done in the restricted area and/or requires specified things to be done by persons carrying on specified activities in that area.

Orders are intended to deal with problems that are detrimental to the local community's quality of life. According to the statutory guidance, behaviour being restricted must 'be having, or likely to have, a detrimental effect on the quality of life of those in the locality'; 'be persistent or continuing in nature'; and 'be unreasonable'. Introducing a PSPO requires extensive consultation. Any prohibitions need to be carefully thought through to ensure no one group is disproportionately impacted e.g. the vulnerable and homeless. Once introduced the orders are normally valid for up to 3 years subject to an annual review after which a further consultation exercise is required to either extend, vary or discharge the order.

We want your views on whether or not the Council should introduce a Public Spaces Protection Order to tackle the antisocial behaviour and nuisance linked to the possession and recreational use of psychoactive substances (e.g. nitrous oxide).

The consultation will run from 4th January to 15th February 2021, after which your views will be presented to the Mayor in Cabinet. The final changes will then be agreed. All residents will then be updated with the outcome and any proposals.

Further Details of the guidance to Councils from the Local Government Association on Public Spaces Protection Orders can be found on the attached link: https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf

If you need this information in a different format, please email spp@towerhamlets.gov.uk or saferneighbourhoods@towerhamlets.gov.uk

Background information

Why is the council considering a Public Spaces Protection Order?

During the recent consultation exercise to extend a Public Spaces Protection Order for 'Responsible Drinking', of the 172 responses received, 44 asked for a variation of the order to include a prohibition on the recreational use nitrous oxide (NOX).

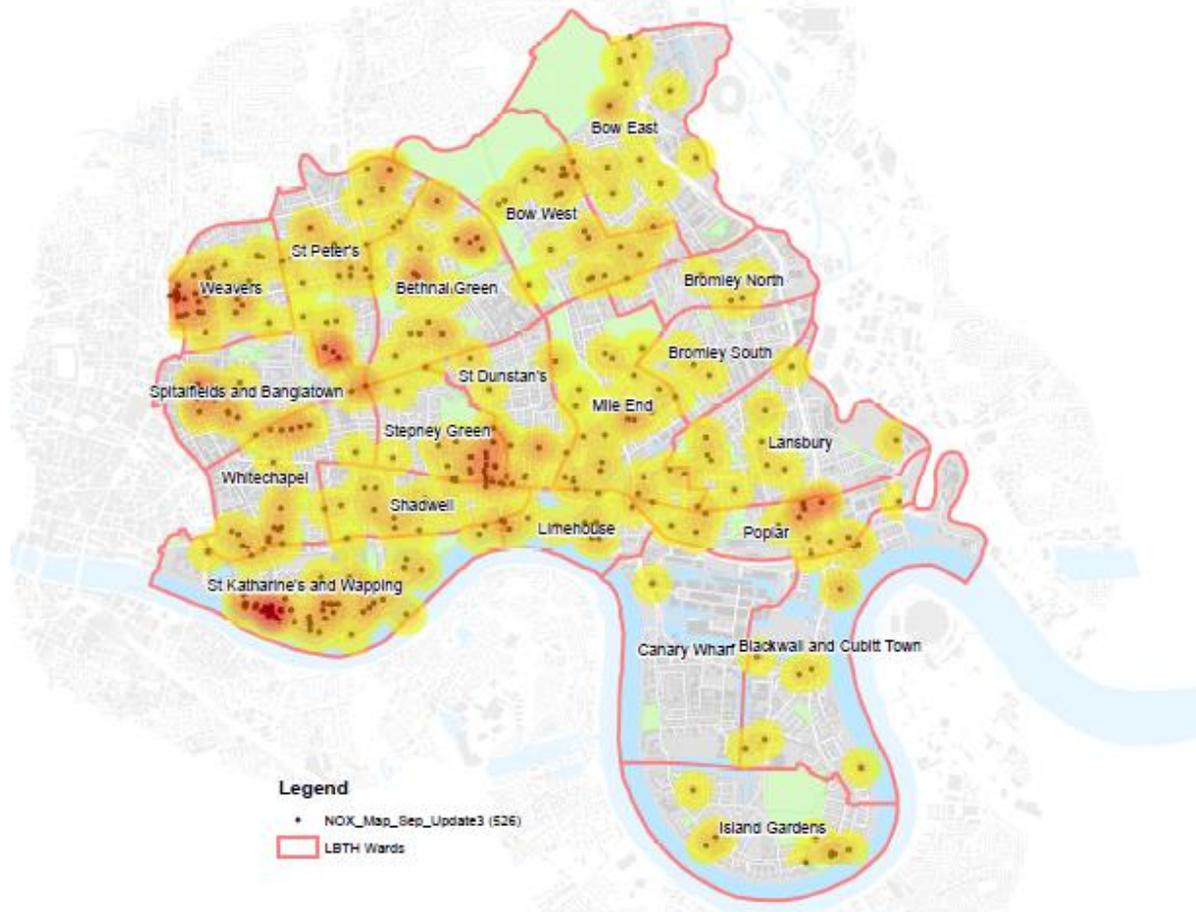
Whilst it was not possible to include nitrous oxide in that order due to pressures of time and limited information that was available, the council undertook to explore the evidence available regarding NOX and particularly any link to incidents of antisocial behaviour.

The Council's systems have limited information regarding the prevalence of NOX. The data retrieved however indicates NOX complaints and prevalence appear to have been on the increase over a 2-year period. Systems show that in 2018/19 NOX complaints to the Council alone totalled 105. In 2019/20 this had increased to 108.

In September 2020, a month-long fact-finding exercise was undertaken to identify locations where 5 or more NOX canisters were found and to improve our understanding of the extent of the problem. This exercise involved a range of front-line services supported by local residents from ward panels. Over 500+ incidents were subsequently mapped, and a number identified as being deposited at or near schools. Whilst there is no evidence to suggest those attending school are using NOX, they are being exposed to the growing usage of NOX with canisters either being used or littered. This presents a risk to the health and wellbeing of our young people. The map below is also consistent with locations identified as hotspots for anti-social behaviour reports.



NOX Finds - Borough Wide



What does research tell us about nitrous oxide use?

Research suggests using NOX could present the following health risks;

- NOX is more water soluble than oxygen which decreases oxygen delivery to the brain and can lead to asphyxia (Ehirim, Naughton, Petróczi; 2017);
- Abuse of NOX can lead to a vitamin B12 deficiency. Low or low-normal levels of B12 are associated with psychiatric effects such as psychosis, peripheral neuropathy and other medical effects relating to blood flow (Ehirim, Naughton, Petróczi; 2017);
- Severe negative impact on mental health from Novel Psychoactive Substance (NPS) misuse includes; agitation, insomnia, catatonia, anxiety, aggression, psychosis, hallucinations and suicidal ideation (Public Health England; 2017);
- NPS affect many physical systems in the body, such as; the cardiovascular system, leading to conditions like tachycardia, hypertension, and cardiac arrest; the central nervous system, resulting in seizures, collapse, dystonia; the pulmonary and the renal system; the musculoskeletal system and many more (Karila L, et al.; 2015).

What are our young people telling us?

A questionnaire was sent to our nine Youth Hubs. Seven of the nine indicated the police and council should do more to stop the recreational use of NOX, the remaining two, one was not sure and didn't see it as a major problem and one no response stating it was a "taboo subject". In addition, the following local information was also provided. *"A box of 24 canisters is £10-12, single canisters 50p upwards and that canisters can be obtained either online or from local shops and off licences"*. A simple search online identifies sites where canisters can be obtained for catering purposes.

Young people attending the youth hubs have an age range of 11-25 years. They also provided the following comments relating to the use of NOX;

- The downside is passing out and other people can take advantage of them when they are out of it.
- People end up using more than intended and end up passing out.

- Short-term effects, drowsiness, nausea, lingering migraine like headache; long-term effects, numbness, lack of motor control leading to brain damage.
- Freezer burns if used in an unsafe manner. Double balloon lit leading to a lack of oxygen, blue lips and death?

Feedback far as a result of scoping the issue

The following have participated in collating information regarding NOX canister litter across the borough and are supportive of the introduction of a borough wide Public Spaces Protection Order:

- Residents through ward panels
- London Borough of Tower Hamlets, Parks and Open Spaces
- Third Sector Providers who deal with Substance Misuse issues
- London Borough of Tower Hamlets, Clean and Green (street cleaning)
- Tower Hamlets Homes, Poplar Harca and Clarion Housing Providers.

Our proposal

We propose to introduce a borough wide Public Spaces Protection Order (PSPO) prohibiting individuals who ingest, inhale, inject, smoke, possess or otherwise use psychoactive substances (e.g. nitrous oxide) and which is causing or likely to cause harassment, alarm, distress, nuisance or annoyance to members of the public. The reason we have suggested the order is borough wide is to enable the police and council to respond in the event of displacement which has in the past been an issue in relation to responsible drinking.

Following feedback already received from third sector organisations who provide support to those with substance misuse problems and others, this has been refined further to incidents where possession and use and which causes or likely to cause harassment, alarm, distress, nuisance or annoyance. This will ensure the power is used proportionately and where necessary and will be

conducted through the Council's bi-weekly resource tasking process in response to complaints or where intelligence indicates there are hot spots. At the same time our third sector providers will also be deployed to engage and provide support to those identified as using psychoactive substances e.g. nitrous oxide.

Who do we want to hear from?

We want to hear from everyone who lives or works or who has an interest in the borough (e.g. owns property or operates a business).

How to respond

Our consultation and support information will be available on the council's consultation and engagement platform – Let's talk Tower Hamlets.

In addition to the online consultation, we will be publicising the consultation on the Council's Community Safety website and consulting via the following;

- Safer Neighbourhood Board
- Ward Councillors
- Ward Panels
- Press release to local media including e newsletter to Bangla Community.
- Community Safety Newsletter
- Neighbourhood Watch 'OWL'

This is to ensure that anyone potentially impacted can let us know how the proposals might affect them.

Appendix 1

Frequently asked questions

Who will be impacted by these proposals?

Individuals who ingest, inhale, inject, smoke, possess or otherwise use psychoactive substances (e.g. nitrous oxide) and which is causing or likely to cause harassment, alarm, distress, nuisance or annoyance to members of the public. Simple possession and use are not in itself a criminal offence. The intention is not to criminalise individuals unless their behaviour causes or likely to cause harassment, alarm, distress, nuisance or annoyance.

What would be the penalties for breaching the order?

A breach of the PSPO is a criminal offence which can be dealt with by either a fixed penalty notice (FPN) fine of £100 or by way of a prosecution. If prosecuted an individual could be liable to a fine of up to £1000.

What other options are available?

Not to introduce a Public Spaces Protection Order. In which case the only powers available to Police and Council Enforcement Officers would be to issue a fixed penalty notice for littering, where evidence is available.

To introduce a Public Spaces Protection Order for just possession and/or use. This would criminalise those who are in possession but not committing and anti-social behaviour.

To limit the geographical location in which the Public Spaces Protection Order applies. This could create a problem with displacement.

What does Psychoactive substances mean?

“Psychoactive substance” means any substance which is capable of producing a psychoactive effect in a person who consumes it and is not an exempted substance.

For the purposes of this prohibition a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state.

For the purposes of this prohibition a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person’s body in any way.

Are there any exemptions?

Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

When will any changes come into effect?

Once a decision has been made by the Mayor in cabinet. There is a legal requirement to publicise the notice and signage will need to be displayed on and within the boundary to which the Public Spaces Protection Order applies setting out the details of the order and penalties.

How long does the consultation last and who will make the final decision?

This consultation will run from 4 January 2021 to 15 February 2021.

The council will review all responses and the final decision will be made by the Mayor in Cabinet.

The final decision will be shared on Let’s talk Tower Hamlets – the council’s online consultation and engagement platform.

Appendix 2

Our Equalities Impact Assessment

We have undertaken an Equalities Impact Assessment (EIA), which has been published alongside this consultation information document on our website. Please phone or email to request a copy of this. We will consider the EIA before making any decision on a Public Spaces Protection Order and any prohibitions that are attached.

Questions

We would like to ask you some questions about our proposal to introduce a Public Spaces Protection Order in relation to the possession and recreational use of psychoactive substances e.g. nitrous oxide.

If you would like support or more information to understand these options, you can phone 020 7364 2930, 9am-5pm, Monday to Friday. You can also email any feedback or questions on spp@towerhamlets.gov.uk

You may want to do this before you respond to the questions in this survey.

1. Please select the option that applies to you

- I am a resident
- I work in Tower Hamlets
- I am an interested party with a business or property in Tower Hamlets
- I am someone else who will be impacted directly by any prohibition.

2. Do you think there is a problem with psychoactive substances e.g. nitrous oxide in Tower Hamlets if so please explain?

3. Please answer these questions:

a) If there is a problem, do you think there is a need for a Public Spaces Protection Order?

Yes / No / Don't know

b) Do you think the proposal to have a Public Spaces Protection Order to deal with possession and use of psychoactive substances e.g. nitrous oxide in a public space and which causes or likely to cause harassment, alarm, distress, nuisance or annoyance is necessary?

Yes / No / Don't know

c) Do you think the Public Spaces Protection Order should be borough wide?

Yes / No / Don't know

d) Do you think there is enough information available to explain the dangers associated with the use of psychoactive substances e.g. nitrous oxide?

Yes / No / Don't know

e) If you have witnessed individuals or groups using psychoactive substances e.g. nitrous oxide. Does it make you feel unsafe?

Yes / No / Don't know

4. Do you wish to propose any alternatives?

5. Do you have any other feedback?

6. Do you have any further comments in relation to this consultation process?

(open text box)