



*Scrutiny Review of
Novel Psychoactive Substances (NPSs) and 'Legal Highs'*

Report
September 2015

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1.0 PURPOSE OF THE REPORT

The purpose of the report, as outlined in the initial topic brief (at *Annex 1*) is to:

- Analyse the extent of the issues (with NPSs/'legal highs') across Halton, in comparison to the rest of the UK, and assess the potential risks posed.
- Review Halton Borough Council's position in discouraging use of NPSs and recommend action to deter use.
- Identify awareness raising activity and explore the resources available to achieve required outcomes.

2.0 STRUCTURE OF THE REPORT

This report is structured with the introduction, a brief summary of the methodology followed by evidence, analysis with findings/conclusions and recommendations. The annexes include the topic brief, methodology detail, documents considered by the group, and Action Plan.

3.0 INTRODUCTION

3.1 Reason the report was commissioned

During the January 2015 Policy and Performance Board Members were presented with a report commissioned by the Strategic Director, Communities, which provided an overview of Novel/New Psychoactive Substances (NPSs) also known as 'Legal Highs'. Within discussion on the subject, a particular concern, around evidence of use of canisters of nitrous oxide, was communicated. The Chair felt that sufficient interest and unease was generated to reflect a need to further investigate the issue and consider the Council's position in relation to tackling usage of NPSs/'legal highs'.

3.2 Policy and Performance Boards

This report was commissioned as a scrutiny working group for the Safer Policy and Performance Board.

3.3 Membership of the Topic Team

Membership of the Topic Team included:

Members	Officers
<ul style="list-style-type: none">• Cllr Dave Thompson• Cllr Geoff Zygadlo• Cllr Martha Lloyd-Jones• Cllr Margaret Ratcliffe (Prior to the May election)	<ul style="list-style-type: none">• Chris Patino – Divisional Manager, Communities and Environment• John Williams – Commissioning Manager, Communities• Mike Andrews – Community Safety Co-ordinator• Simon Bell – Commissioning Manager, Public Health• Elspeth Anwar – Public Health Registrar• Nicola Hallmark – Principal Policy Officer, Communities• Tracey Coffey – OD, Children and Family Services

4.0 Methodology Summary

This scrutiny review was conducted through a number of means:

- Monthly meetings of the scrutiny review topic group;
- Verbal report and presentations by various key members of staff (detail of the presentations can be found in *Annex 2*);
- Provision of information;
- Field visit to CRI Widnes, Ashton Dane.

5.0 Evidence (summary of evidence gathered) and Analysis with findings/conclusions

5.1 Usage and prevalence

Across the meetings information and data was conveyed and discussed, highlighting some pivotal issues:

- Usage presents a number of dangers. Firstly, in relation to lack of understanding of how to use, e.g. on-set time, resulting in increased possibility of overdose. Also, there are inherent dangers of usage due to their uncontrolled and altered chemical make-up – manufacturers label products as ‘not for human consumption’ to avoid prosecution, and change substance

composition to evade detection and stay ahead of legislative changes.

- Anecdotal evidence was presented to indicate a combined usage, with illegal substances, often to enhance or prolong the effects of the 'high'.
- Currently there is very little national or local data on prevalence of use. Surveys suggest that NPS use among the general population tend to be low compared to use of other illicit drugs. However, use among younger age groups and some sub-sections of the population e.g. regular clubbers may be higher
- The topic was presented as an evolving issue. Sixty eight deaths across the UK were attributed to the substances in discussion during 2014, however it was suggested that no empirical evidence exists of long-term use of NPSs/'legal highs'.
- Work undertaken to raise awareness across Environment and Open Spaces Services had resulted of the increased recognition of evidence of the use of nitrous oxide (in the form of discarded canisters). Reports coming back indicate use of this substance represents a particular cultural trend for Halton. The Topic Group heard that this is a readily available substance, with legitimate uses in the catering industry. The canisters can be bought cheaply over the internet. A potential fatal dosage can be contained in one single canister (8g).
- A supply chain is difficult to tackle in Halton as there are no 'head shops'¹, like in some of the surrounding cities. Internet purchases of NPSs/'legal highs' are not possible to monitor or control from a local perspective.

Conclusion:

It is agreed that the issue is complex and multi-faceted, with no single or short-term resolve being apparent. A risk appraisal approach is to be considered, based on intelligence available at any one time.

It was agreed that Halton Borough Council should be seen to lead the way with local decisions, and should consider an immediate ban of NPSs/legal highs on Council premises.

Recommendations:

- (i) *To take immediate action to ban the possession and use of NPSs across all Halton Borough Council premises. (Annex 4 - Report taken to Safer Policy and Performance Board in June, resulting in*

¹ A head shop is a retail outlet specializing in paraphernalia used for consumption of cannabis, tobacco, legal highs, legal party powders and New Age herb, amongst other items.

unanimous agreement to enforce a ban across all Council premises. Report to be taken to Executive Board for ratification.)

(ii) To monitor trends, over time, and to continue with multi-agency approaches to awareness raising, reporting and challenging. The Board shall remain open to further enforcement or education information being brought to their attention; for their decision-making input.

5.2 Enforcement options

At the start of the scrutiny review City of Lincoln Council had recently made a judgement to forbid the consumption of intoxicating substances in the city centre. Soon after, a spate of similar responses followed from Authorities around the country.

Mike Andrews, Community Safety, gave a comprehensive overview of the tools and powers that could be utilised to prohibit both the sale and uses of NPSs. Detail of papers shared are contained within Annex 3. Some of the existing legislation is reliant on a 'burden on proof' which involves time-consuming costly testing of substances. The advent of the Anti-Social Behaviour, Crime and Policing Act 2014 has brought about new opportunities and enforcement options. The City of Lincoln standpoint used the new Public Space Protection Order, and discussion took place around additional options such as the Community Protection Orders and premises closure notices.

It was fed in to the Scrutiny Group that Trading Standards are monitoring retailers and have conducted site visits to raise awareness of misuse of substances, in particular the nitrous oxide canisters. Retailers were receptive to conducting age challenges in relation to sales of potentially harmful substances, and work continues across the borough to ensure a flow of intelligence.

Conclusion:

No particular requirement to use tools and powers at present within Halton due to the absence of 'head shops' and any direct link between NPS and anti-social behaviours.

Work is already undertaken to monitor sales of potentially harmful substances and paraphernalia which could be used in the abuse of substances and NPSs.

Recommendations:

- (i) Re-visit tools and powers as needed.*
- (ii) Endorse the activity being undertaken, across the Authority, to monitor changes in activity and raise awareness of potential for harm.*

5.3 Schools and Young People

A key theme which was raised throughout the review was a requirement to safeguard young people within the community.

Debate was held around the need to raise awareness of NPSs and related-substances and how best to approach this. Consideration was given to the need strike a balance between raising awareness and introduction of the concept.

The group heard that Public Health England has taken an approach which looks at supporting young peoples' resilience in terms of; where access to substances is present, safe use is advocated. Public information campaigns are being aimed at eliminating risk factors, for example, looking at substance dosages and onset times for the effects of individual substances.

On taking the decision to ban NPSs across Authority premises debate was held around the position of Halton schools. It was concluded that Members (while some additionally stand as Governors in some schools and may have influence within those roles), have no direct jurisdiction to enforce ban across schools.

Work undertaken through the Community Safety Schools Liaison role is already taking forward this agenda within education settings. Work underway involves awareness raising with schools' professionals – teaching and auxiliary staff.

John Bucknall, from the Integrated Youth Support Services (IYSS), fed-in on the multi-agency interventions taking place to tackle the issue of substance misuse, including activity at the CRMZ (youth hub) and the work of the street-based teams. Training taking place through the IYSS service has had a good response, with engagement from a wide range of professionals working with young people.

Tracey Coffey, proposed a particular need to understand the requirements of vulnerable young people and the propensity for greater risk taking behaviours and/or poor decision-making. She reassured the Scrutiny Group that 'Child Protection Plans' implemented involved work with such behaviours.

Conclusion:

The Scrutiny Group were satisfied that a multi-agency approach across Council teams and services, schools, commissioned services (CRI and Young Addaction) and wider authorities (Police and Probation) was effective and proactive in approaches to the growing concerns around NPSs and their use across the youth demographic.

Recommendations:

- (i) Members to, periodically, review activity, via presentations on the work being undertaken, at Policy and Performance Board meetings.*

5.4 Activity and action across the wider community and region

During July the Scrutiny Group made a site visit for CRI (Crime Reduction Initiatives), the Council's commissioned service for adult substance misuse. During the visit the attendees were impressed with the range and scope of activity being undertaken with both service-users and their wider support networks, as well as with the public and community as a whole.

Activities and initiatives learnt about during the visit included:

- Needle exchange
- Hep-B vaccination programme
- Health checks
- Sports activities
- Social clubs and wider wellbeing initiatives
- Recovery education programmes
- Training
- Carers support
- Website development – education messages and awareness raising campaigns
- Plans to develop a 'dry' bar – Halton Brew

CRI reinforced the standpoint of the Group that the issue is not straightforward and is still evolving. Service uptake and engagement, to date, for use of NPSs alone (and not in conjunction with other substances), is low. Further anecdotal indicators point towards a more complex picture in relation to NPSs and related substances, known as ‘legal highs’.

Over the course of the Review the use of NPSs was repeatedly discussed in the context of Halton’s Night-time Economy. The Group were assured to hear that licenced premises were on-board with a lack of tolerance to possession and use of NPSs and related substances. Mike Andrews fed back that Halton’s Pubwatch Scheme² members were open to awareness training, and that some premises had already situated visible messages within their venues around the dangers of NPS use.

More recently an amendment within the reviewed Statement of Licencing Policy (SOLP) has incorporated a commitment to the management of NPSs by licensed premises. This has been initiated through work in conjunction with the Council Regulatory Committee and licensing team³.

The extract reads:

Drugs

The Council recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.

The Council expects licensees of all venues to take all reasonable steps to:

- *Prevent the entry of drugs into licensed premises*
- *Prevent drugs changing hands within the premises*
- *Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur*
- *Have appropriately trained staff to deal with drug related incidents.*

² Halton Pubwatch is a voluntary, licensee-led organisation with the aim of assuring a safe drinking environment for the local Night-time Economy. Pubwatch forums currently run in both Runcorn and Widnes.

³ The Licensing Act 2003 requires Licensing Authorities, in this case Halton Borough Council, to provide a Statement of Licensing Policy to detail the general principles that the Council will take into account when making its licensing decisions.

The Council expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the Council and/or police involved in such an initiative.

The increasing prominence and dangers that can occur from Novel (New) Psychotic Substances (Legal Highs) is recognised and the Council would encourage all venues to include suitable steps within their Drugs Policy to deal with legal highs. The Council will consider whether it would be appropriate to impose a condition in order to promote one or more of the statutory licensing objectives where there is evidence to do so.

The updated SOLP will come into effect from January 2016.

As part of the June meeting Mike Andrews communicated a cross-regional working-group response, involving a number of relevant agencies, to an incident in early June. The incident involved four people being hospitalised following the use of an NPS (Vertex), including a 16-year-old girl from Runcorn. The Scrutiny Group were confident that a responsive and appropriate approach was being taken.

The Scrutiny Group were assured by recurrent messages around increased awareness and monitoring of issues resulting from NPS use. Vigilance of the issue is already embedded into activity taking place across the borough to counter wider substance misuse. An example cited was Operation Stay Safe, an outreach programme to safeguard the welfare of young people who are under the influence of one or more substances.

A particular successful piece of work remarked upon within the scrutiny review was the continued multi-agency input into the safety and welfare of those attending the annual Creamfields festival in Daresbury. A zero-tolerance to illicit substances and NPSs has been well-managed and the recent event (26, 27, 28 August 2015) passed with few problems. The dance culture is synonymous with drug use, however only a small number of arrests (34) were made for possession of suspected substances intended for supply. The Scrutiny Group praised the cross-organisational approach taken to the event.

Conclusion

Across the board, it was found that a well-co-ordinated and attentive approach is being taken to tackling the issue of substance misuse, and in particular the emerging concern over NPSs.

Recommendations

- (ii) That Members' endorse the wide-ranging activity, as well as the cross-regional and multi-agency initiatives, to tackle the supply and use of NPSs.*

5.5 National agenda

Since the start of the Scrutiny Review a broader, national picture has started to emerge in response to concerns over NPSs. The current Government are working to take forward the Psychoactive Substances Bill, which will be watched closely within Halton to ensure the local need is met.

It was apparent that there are a number of strands for concern which need to be challenged on a legislative footing. Discussion, during the meetings, took place around the ambiguities utilised the advertising of potentially harmful substance. It was found that contradictions with labelling and wording (such as the use of 'not for human consumption') are consistently used as caveats to avoid prosecution.

A keen interest was taken in the media portrayal of NPSs and related substances, and the use of the term 'legal high'. It was felt that the use of the word 'legal' legitimised practises.

Conclusion

Since the start of the scrutiny review a wider national agenda has emerged which will be observed.

The issues faced by Halton are felt to be managed at present, based on balancing current needs against intelligence and the known extent of the issue.

Recommendations

- (i) Monitor, and feed-in to, national agendas as required.*
- (ii) Prohibit the use of language that legitimises and normalises substance misuse in Council communications.*

6.0 Overall Conclusion

The Scrutiny Review has been both educative and informative. Members have gained an extensive overview of provision and services aimed at the tackling substance misuse issues, anti-social behaviour, and in particular the growing concerns around access to and use of NPSs.

Members have taken a clear standpoint on the issue of NPSs and support a fundamental need to oppose them.

While particular trends and an emerging culture has been identified Members were assured that a wide range of exemplary work was being undertaken to recognise, prevent and manage the situation as it evolves.

The Safer Board are unanimous in their decision to ban NPSs across Halton Borough Council premises and the report outlining the proposal will be taken to Executive Board directly.

The Scrutiny Group have been successful in influencing a focus on this issue within the services already active. No further actions, at this time, are felt necessary due to the plentiful and excellent work being achieved. As such, no supplementary action plan needs to be agreed, however are steadfast in their resolve to remain conversant with the issue and take further action should the need arise.

Topic Title: Respond and recommend action to the emerging issue of the increasing use of Novel Psychoactive Substances (NPS)

Officer Lead: Chris Patino

Planned start date: March 2015

Target PPB Meeting: November 2015

Topic Description and scope:

- Analyse the extent of the issues across Halton, in comparison to the rest of the UK, and assess the potential risks posed
- Review Halton's position in discouraging use of NPSs and recommend action to deter use
- Identify awareness raising activity and explore the resources available to achieve required outcomes

Why this topic was chosen:

- The emergence of increased use of NPSs
- The need to understand the complexity of the issue
- The National agenda around NPS is being escalated

Key outputs and outcomes sought:

- Make practical recommendations across Council, partners and key stakeholder services to prevent the tolerance of use of NPSs
- Raise awareness and recognition, across the borough, of the use and potential harm of use of NPSs

Which of Halton's 5 strategic priorities this topic addresses and the key objectives and improvement targets it will help to achieve:

- Safer
- Health and wellbeing
- Opportunity to fulfil potential

Financial issues

The identification of awareness raising activity may require additional resource and consideration needs to be made as to how this can be achieved.

Nature of expected/desired PPB input:

Member-led scrutiny review by Cllr Thompson and up to three Members,

together with Officer input: Nicola Hallmark (Principal Policy Officer), Elspeth Anwar (Public Health), John Williams (Commissioning Manager), Mike Andrews (Community Safety).

The scrutiny review will identify other key partners during the first meeting.

Preferred mode of operation:

Monthly two-hour meetings with a completed action plan by November 2015 for Executive Board approval in January 2016.

Site visits – To include Young Addaction and CRI (Crime Reduction Initiatives)

Agreed and signed by:

PPB chair

Officer

METHODOLOGY DETAIL

a) Presentations

The following officers gave presentations as part of this scrutiny review:

Name of officer	Title of Presentation	Meeting Date
Mike Andrews, Community Safety Co-ordinator	Enforcement Options	April 2015
John Bucknall, Commissioning Manager, Integrated Youth Support Service	NPSs and Young People	June 2015
Deana Perchard, Principal Trading Standards Officer	Trading Standards, and the sale of NPSs	June 2015
Charlotte Roberts, CRI	CRI Services at Ashton Dane – site visit	July 2015

Documents Considered including Best Practice within the review

The Drugs Wheel
Article: Legal highs banned from city in UK first
Local Drug Early Warning System
New psychoactive substances – A toolkit for substance misuse commissioners
A Councillors' Guide to tackling New Psychoactive Substances
New Psychoactive Substances (NPS) – Resource pack for informal educators and practitioners
Article: Call to halt legal highs ban based on 'flawed' Irish system
Article: Two new 'legal highs' to be banned under temporary order

REPORT TO: Safer Policy & Performance Board

DATE: 16 June 2015

REPORTING OFFICER: Strategic Director, Communities

PORTFOLIO: Health and Wellbeing

SUBJECT: Novel Psychoactive Substances (NPS)

WARD(S): Borough Wide

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to implement a total ban of any substance termed Novel Psychoactive Substances (NPS) also known as ‘Legal Highs’ across all Halton Borough Council services and venues.

2.0 RECOMMENDATION:

- (i) Note the contents of the report.**
- (ii) To present a report to the Executive Board recommending that the use of any substance known as Novel Psychoactive Substances be banned across all Halton Borough Council services and venues.**

3.0 BACKGROUND

3.1 NOVEL PSYCHOACTIVE SUBSTANCES (NPS)

3.2 Overall drug use has reduced in the UK. However, a significant recent development has been an increase in the range of new and easily available novel psychoactive substances (NPS), also known as “legal highs”. These chemical substances are newly created, and hence, are not automatically controlled under legislation.

3.3 These drugs have been designed to evade drug laws, are widely available and have the potential to pose serious risks to public health and safety and can even be fatal. The emergence of NPS and the pace at which they have developed is a concern to policymakers, law enforcement personnel and healthcare professionals locally, nationally and across Europe and beyond.

3.4 In the UK NPS can be purchased on the internet, via dealers on the streets and in clubs and pubs, and in shops. Test purchasing has found that NPS can contain legal substances, illegal substances, or a mixture of both.

- 3.5 Evidence of potential harms is emerging, with indications that the health implications of NPS can be just as serious as illicit drugs and can cause a range of physical and psychological symptoms.
- 3.6 The number of NPS available is constantly changing and growing. A record number of 81 substances were identified for the first time in Europe in 2013 - an increase on previous years. This means the number of identified NPS now exceeds the total number of psychoactive substances currently controlled by the international drug conventions. Whilst there has been a general increase in the number of novel NPS detected, it is important to note that the vast majority are permutations of groups of similar substances and many have not yet been identified in the UK.

4.0 AVAILABILITY OF NOVEL PSYCHOACTIVE SUBSTANCE

- 4.1 The marketing and sale of NPS is often designed specifically to avoid legislation under the Medicines Act 1968. They are often sold in brightly coloured packaging under a variety of brand names with “not for human consumption” clearly stated. They may variously be described as “plant food”, “fish food”, “room odouriser” or other terms with labelling commonly stating that they are “research chemicals”. Generally safety data is not provided.
- 4.2 In the UK, our most robust estimates of use in the general population come from our national crime surveys. This survey suggests that NPS use among the general population tends to be low compared to the use of other illicit drugs. Cannabis is still the most commonly used illicit drug in England and Wales, taken by 6.6% of adults in the last year. However, surveys suggest use among younger age groups and some sub-sections of the population e.g. regular clubbers may be higher (53%).
- 4.3 There is a common, but mistaken perception that because such drugs are not legally controlled or banned they are safe. However, there is a growing body of evidence to demonstrate the potential harms (both physical and social) associated with NPS.
- 4.4 Most legally available NPS are sold with no data regarding their chemistry, pharmacology or toxicology, no safety assessments and no administration instructions. The paucity of information on the pharmacology and toxicology of most NPS makes it hard to understand their possible dangers, or even to know what substances are contained in products branded.

5.0 DEATHS

- 5.1 Nationally the number of deaths involving NPS is low compared with the number of deaths from heroin/morphine, methadone and cocaine poisoning. However, over the past few years there has been an increasing trend in the number of deaths linked to NPS use. Such deaths across the UK increased from 29 in 2011 to 52 in 2012, to 60 in 2013.

6.0 NATIONAL RESPONSE

- 6.1 The UK Government recognised the emerging threat and challenges of Novel Psychoactive Substances. National programmes have included early warning systems, banning of over 500 new drugs, and advice to local authorities with a clear prevention agenda to improve health outcomes.
- 6.2 The Government continues to clamp down on the trade in legal highs, with the development of a general ban on supply across the UK, this policy would provide an opportunity to remove Novel Psychoactive Substances from high street stores and other trading establishments or venues and increase the powers for law enforcement agencies to tackle the trading of Novel Psychoactive Substances.
- 6.3 In February 2015 Lincolnshire City Council used the Public Space Protection Order to ban individuals taking (using) intoxicating substances (alcohol and NPS) within the city centre region. Other Local Authorities have used existing powers to enforce closure of head shops or the use of legal highs.

7.0 LOCAL RESPONSE

- 7.1 Legal highs are an emerging issue for Halton. There has been an increase in the use of small canisters of national Novel Psychoactive Substances within the Halton Stadium, local parks and other public areas.
- 7.2 Council and Police Officers have provided basic information to raise awareness about the harm and risks associated with Legal Highs within the Borough with focus on local businesses (shops, pubs and clubs).
- 7.3 The Halton Substance Misuse Provider CRI (Crime Reduction Initiatives) CRI conducted workshop on the dangers of Legal Highs lead by CRI's national Novel Psychoactive Substances lead. The workshop was attended by CRI Staff, YMCA, Cheshire Police and Young Addaction and was successful in educating and refreshing knowledge on this subject matter A number of external stake holder services including local hostels and young person's substance misuse services were invited to attend sessions.

8.0 RECOMMENDATIONS FOR LOCAL RESPONSE TO NPS

- 8.1 The Executive Board recommend with immediate effect the use of Novel Psychoactive Substances is banned across all Halton Borough Council services and venues.

9.0 POLICY IMPLICATIONS

- 9.1 None identified

10.0 FINANCIAL IMPLICATIONS

- 10.1 None identified

11.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

11.1 *Children & Young People in Halton*

The Novel/New Psychoactive Substances (NPS) impacts on children, young people and their families and partners are working to provide education and advice to schools and other services.

11.2 *Employment, Learning & Skills in Halton*

None identified.

11.3 *A Healthy Halton*

The prevalence and impact of NPS on the health of Halton residents will continue to be monitored. Reducing the harm caused by substance misuse will continue to be a priority for all partners and will form a component of children and young people and adult services, as well as wider education and awareness activities.

11.4 *A Safer Halton*

Novel/New Psychoactive Substances (NPS) may have an impact on levels of crime and anti-social behaviour in Halton. As well as providing appropriate legal enforcement, partners are working to provide education and advice to reduce the impact of harm and anti-social behaviour.

11.5 *Environment and Regeneration*

None identified

12.0 **RISK ANALYSIS**

12.1 Novel Psychoactive Substances presents a risk to a person's health and wellbeing, the national death rate due to NPS continues to increase year on year. The long term impact continues to be investigated by national agencies.

13.0 **EQUALITY AND DIVERSITY ISSUES**

13.1 *There are no Equality and Diversity issues associated with this report*

13.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

13.1 None under the meaning of the Act.