



Public Spaces Protection Order (New Psychoactive Substances) Consultation

Summary

1. Public Spaces Protection Orders give police additional powers within a designated area to tackle individuals taking NPS or street-drinking where it is associated with anti-social behaviour (ASB).
2. A Police Officer or Police Community Support Officer can in a designated area (if there is ASB):
 - Require a person not to consume alcohol or take NPS
 - Require a person to surrender any alcohol or NPS in his/her possession
 - Dispose of the alcohol/ NPS
 - Arrest an individual if they fail to comply with the Officer's request.
3. Public spaces protection orders (PSPOs), which came into effect as part of the Anti-Social Behaviour, Crime and Policing Act 2014, are intended to deal with a particular nuisance or problem in a particular area that has a detrimental to the quality of life of those in the locality. They are designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
4. The application of the PSPO is designed to be broad and focus on the impact that the anti-social behaviour is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - Justifies the restrictions imposed by the PSPO.
5. Before a PSPO can be implemented, a consultation exercise must be carried out (along with relevant advertisement etc.) with the residents in the local community (and other persons specified in the legislation). Evidence is also required to demonstrate that it is desirable to have a PSPO in place within any specified area. Once a PSPO is in place, it must be reviewed every three years. If it is the case that 3 years pass without the PSPO being renewed, the PSPO will become unenforceable.

New Psychoactive Substances PSPO

6. The Psychoactive Substances Act 2016 came into force on 26th May. The Act received Royal Assent, meaning the production, supply and importation of these potentially dangerous drugs is now prohibited nationwide.
7. The new legislation also gives police and other law enforcement agencies greater powers to tackle the trade in psychoactive substances, formerly known as 'legal highs', and will see offenders face up to seven years in prison.

8. The PSPO does not represent a ban on NPS (as taking NPS is not illegal); rather it allows for greater control over the use of NPS, where it is of a problematic nature – e.g. large groups intimidating residents/passers-by; and gives police additional powers within a designated area to tackle where there is associated anti-social behaviour (ASB).
9. The use of NPS, both alone and with other substances, can result in acute toxicity and serious harm. The use of NPS can also result to reduce someone's inhibitions, so they may do potentially harmful things they wouldn't normally do. They can cause paranoia, coma, seizures and, in rare cases, death. No one can ever be sure of what is in an NPS.
10. Large amounts of NPS paraphernalia has been found in the city centre and across all wards in the city including parks and open spaces by Police, cleansing staff etc. Therefore it was suggested that a citywide NPS Order may be beneficial and justifiable.
11. As a result, it was agreed that the residents and communities of Leicester will be consulted in order to determine whether there is any appetite for a PSPO around NPS. New Psychoactive Substance (NPS) Public Space Protection Order public consultation took place for 7 weeks from 13th September 2016 till 31st October 2016.
12. The consultation aimed to find out and determine:
 - How much awareness there is amongst the public about New Psychoactive Substances and
 - How much public support there is to enforce controls on the use of NPS by giving the police additional powers via the application of a PSPO.

Overview of Consultation Findings

13. At the conclusion of the consultation process, a total of 658 responses were received, including online and hard copies. At the conclusion of the consultation, the majority 86.02% of the 658 respondents stated that they supported the use of citywide NPS order, which would give the Police additional powers to deal with.
14. Over 523 respondents (79.48%) stated that they knew what NPS are. At least 437 respondents (66.41%) have had an experience with someone suspected of using NPS. Over 505 respondents (76.75%) thought that there is an NPS issue in Leicester.
15. 252 respondents (38.30%) have had experience with both individual and groups using NPS. 72 respondents (10.94%) stated that their family had been affected by NPS. 330 respondents (50.15%) have experienced problems with NPS every day. Overall 430 respondents felt : 65.35% Littering, 57.45% Poor Health, 54.86% Intimidation, 51.52% Mood Swings, 49.09% Verbal Abuse, 47.20% Physical Abuse, 48.78% Noise and 30.55% Vulnerability saw problems caused by NPS.