

**PUBLIC HEALTH, WELLNESS AND CULTURE SCRUTINY PANEL**  
**POLICY REVIEW 2014/15**  
**TACKLING NEW PSYCHOACTIVE SUBSTANCES**  
**FINAL REPORT**

**Contents**

**Page**

1. Foreword from the Lead Scrutiny Member
2. Introduction
3. Aim of Review
4. Terms of Reference
5. Membership of the Panel
6. Method of Investigation
7. Findings of Review
8. Conclusion
9. Recommendations
10. Acknowledgements
11. Background Papers

## Foreword

In the last few years there has been nothing short of a revolution in the public health risks presented by new and unpredictable drugs. These so-called 'legal' highs present a challenge that cannot be ignored.

These drugs are designed to evade drugs laws, are widely available, have the potential to pose serious risks to public health and can even be fatal. Practitioners on the front line have witnessed first-hand the devastation these substances can do to individuals and their families. The harms are very often caused by ignorance of the effects of these untested drugs.

The Scrutiny Panel's evidence gathering aimed to gain a perspective on the challenges of the recent increase in NPS use in the Sunderland. Witnesses identified key issues and challenges and discussed new and innovative ideas for greater collaborative working. We recognised that our current approach has real strengths but there is no doubt that more action is needed on a number of fronts. We need to continue to join forces to tackle what has been described as an epidemic. There is no single agency with definitive responsibility to tackle the issue therefore partnership working will be essential to establishing the best approach to address our unique local circumstances.

It is commonly believed that because the products are (mostly) legal, there is nothing that either the local authority or law enforcement can do. It is true that use of these substances present many challenges with no simple solutions. We all agreed that we must prevent the normalisation of drug use in our communities.

The rise of NPS should be a matter of concern to everyone. As a society, we should not just 'walk on by' when we see drug use and we must challenge the perception that drug taking is an acceptable activity or 'rite of passage' for young people.

The Panel has made recommendations across a number of areas including use of current legislation and the potential to bring in new legislation. The Panel hope that its recommendations will make a useful contribution to the ongoing response to NPS.

Councillor George Howe  
Lead Scrutiny Member, Public Health Wellness and Culture

## **2. Introduction**

- 2.1 The last few years have seen the emergence of new drugs that have similar effects to drugs that are internationally controlled. These drugs can be collectively called New Psychoactive Substances (NPS).
- 2.2 NPS are advertised and sold as 'legal highs', often under a variety of brand names, at low risk and significant reward for suppliers. There has been a rapid increase in the number and range of new substances, with their open sale in retail outlets and through the internet. These drugs have the potential to pose serious risks to public health and can even be fatal.
- 2.3 The Home Affairs Select Committee published a report *Drugs: new psychoactive substances and prescription drugs*, on 20 December 2013. The report concluded: "*There is currently an epidemic of psychoactive substances and it is highly likely that the creation of new psychoactive substances will continue to increase in the future unless immediate action is taken*".
- 2.4 The Panel was tasked with looking at the legislative framework for responding to these new drugs, as well as looking at our health and education responses. The Panel hope that its recommendations will make a useful contribution to the ongoing response to NPS.

## **3. Aim of Review**

- 3.1 To explore the options for local partners to work together to tackle the problems which may arise such as risks to health, the actual legal status of substances used, and increased risks to public health and anti-social behaviour.

## **4. Terms of Reference**

- 4.1 The review set out to:
  - a) Analyse the problem;
  - b) Consider the nature of the new psychoactive substances market;
  - c) Assess the effectiveness of the current legislative and the implications of the response to the review;
  - d) Consider the opportunities and risks, informed by legislative options for enhancing our approach.

## **5. Membership of the Panel**

Lead Scrutiny Member, Cllr George Howe  
Cllrs Louise Farthing, Fiona Miller, Julia Jackson, Rebecca Atkinson, David Errington, Richard Bell, John Cummings Shirley Leadbitter

## **6. Method of Investigation**

The Scrutiny Panel held a half-day evidence gathering session in December as well as considering Government guidance and case studies from other council areas.

## 7. Findings

### What are 'legal highs'?

- 7.1 New Psychoactive Substances (hereafter shortened to NPS), known as "legal highs" are drugs which mimic the effects of illegal drugs. There is a common, but mistaken, perception that because such drugs are not legally controlled or banned they are safe. None of them, however, have been subjected to the stringent testing procedures which are required before a new medicine for human use is granted a license and, consequently, there is a significant risk of short and long-term adverse effects resulting from their use.
- 7.2 There is a global market in their manufacture and sale. Because they are not covered by the available legislation they can be sold openly. They are not sold surreptitiously on street corners but openly in "head shops" though also in places such as garages, petrol stations and over the internet.
- 7.3 The chemical makeup of these substances and the potential impact on those who consume them may not be known creating a challenge for health workers required to treat individuals. Reported serious side effects include depression, panic attacks, and difficulty breathing. Some, such as Spice, are equivalent to highly potent cannabis, while others are designed to imitate drugs like LSD or even heroin.
- 7.4 Marked "not-for-human-consumption", they are packaged like sweets and labelled "research chemicals" or "plant food". The marketing and definition of these substances gives people the impression they are safe. This is extremely misleading.

### How many people are using Legal Highs in Sunderland?

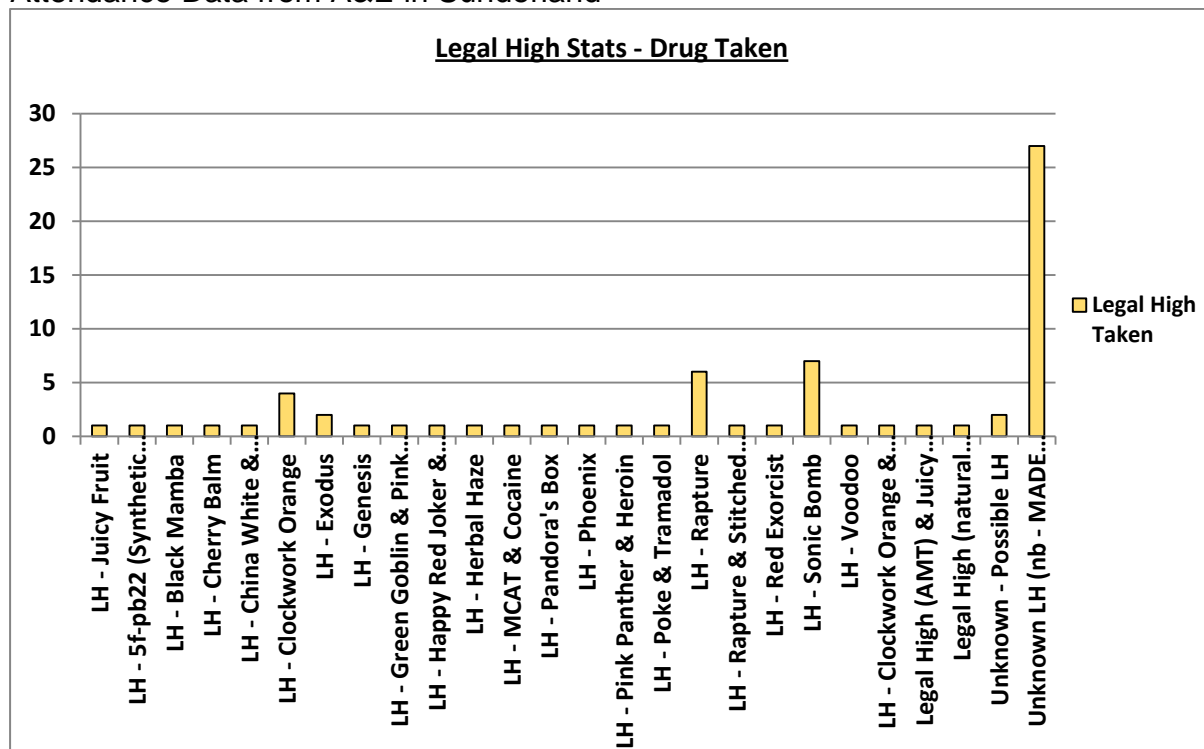
- 7.5 Reliable data on the prevalence of use of NPS is difficult to obtain. Surveys of young people from the British Crime Survey suggest that 20 to 40% have tried NPS. This is similar to information gathered locally which indicates that from the 1<sup>st</sup> October 2013 to September 2014 in Sunderland, 41 out of 210 young people surveyed (20%) had used NPS on one occasion. The previous year this was 6%.<sup>1</sup>
- 7.6 While the extent of use in Sunderland cannot be precisely defined we know that Sunderland has had the highest increase in usage in the last year, although overall use is higher in Newcastle which has approximately 20 premises selling NPS.
- 7.7 The measures we can use are for those who access services or who may commit a crime associated with use of NPS. Research by the Centre for Social Justice showed that in England, the number of incidents involving a legal high rose from 1,365 in 2013 to 3,664 in 2014, an increase of 169%.
- 7.8 In the Northumbria Force area in 2012, 54 incidents were linked to the use of legal highs. This rose to 704 in 2014. In Sunderland the number of incidents rose from 19 in 2012 to 130 in 2014. Police time spent dealing with legal high incidents increased from 271 hours in 2012 to 2025 hours in 2014.

---

<sup>1</sup> Evidence from Sunderland YDAP

7.9 In terms of health services, clinical responses to these substances via front-line services are a developing area. Drug toxicity is a common reason for presentation to hospital services. It appears that, generally, the pattern of toxicity associated with NPS is broadly similar to that seen with 'traditional' stimulant recreational drugs such as cocaine and amphetamine.

Attendance Data from A&E in Sunderland



7.10 The Panel was informed that 81% of NPS users were male and over the last 4 months, there has been an increase in young people using NPS. High usage is reported amongst the LGBT community. YDAP reported that usage had risen from 6% to 42% in one year. A&E staff are currently building an intelligence database of incidents and usage. Many of those admitted to A&E are 'repeat offenders'.

7.11 Given that the NPS market is estimated to be worth some £1bn, it is clear that we need to capture data that gives a complete picture. What we know for certain is that harm levels are increasing. To develop effective prevention and education strategies, we must understand who is using NPS and what drives that use.

Identifying the Legal Highs problem

7.12 The Home Office funded Forensic Early Warning System (FEWS) was set up in January 2011 in response to the emergence of NPS. The main aim of FEWS is to forensically identify NPS quicker and more effectively, to inform the Advisory Council on the Misuse of Drugs' (ACMD) considerations and the Government's wider response through UK health and other warning systems. FEWS results are also fed into the UK-wide Drugs Early Warning System to inform Government's efforts to tackle the threat from NPS.

7.13 Some of the drugs advertised for sale as NPS are already controlled or 'illegal' under the Misuse of Drugs Act 1971 (the 1971 Act). So far the Coalition Government has controlled over 350 NPS.

- 7.14 In the Northumbria police area 220 substances are currently being tracked. All substances for sale are marked 'not for human consumption'.
- 7.15 Locally, older teens tend to use Mephedrone and white powders while younger teens go for synthetic cannabis with lurid brand names – 'Annihilator', 'Rapture'. Younger people in Sunderland favour cannabinoids which have a higher THC content. Popular ones include Clockwork Orange, and Sonic Boom, which is odourless and similar to cannabis. Odourless cannabinoids which can't be detected are also used in prison. £1.50 can buy one packet of Clockwork Orange. The depressants mimic the effect of Diazepam and are popular. Stimulants are now not widely used; an example was M Cat which is now illegal and difficult to treat. There was no significant reported usage of hallucinogens in the city.

Sunderland Case Study – 10 days in May 2013

- 5 NPS incidents over 10 days in May 2013
- All used Exodus Damnation in the same way
- Each incident resulted in hospitalisation of users
- The first three incidents involved males aged over 20
- In the last of the 5 incidents a 15 year old and a 17 year old were hospitalised
- One of the 15 year olds in the last incident had witnessed the first four

Where are people buying legal highs in Sunderland?

- 7.16 In Sunderland NPS can be bought from head shops (two at the time of evidence gathering), friends, dealers and the internet. The internet is less used with younger people as they may not have access to credit cards and would not want packages delivered. There is evidence that dealers are buying from head shops, mixing the substances and selling them on. Dealers will give credit to children in care and pay-back of debt can involve sexual exploitation. NPS is sold in youth friendly packaging and head shops offer incentives such as multi deals costing as little as £1.50 each for four people.

Targeted Prevention

- 7.17 Drugs find those least able to cope – the lowest common denominator. Targeted support is necessary.
- 7.18 The 2010 drug strategy<sup>2</sup> places an emphasis on early intervention for young people at increased risk. This applies particularly to those least able to cope - those who are truanting or excluded from school, looked after children, young offenders and those at risk of involvement in crime and anti-social behaviour, those with mental ill health, or those whose parents misuse drugs or alcohol.
- 7.19 The Panel was informed that locally incidents involving people in some form of care accommodation is high - 32% of all incidents in the Northumbria Force involve people in some form of institutional accommodation. Incidents involving people in care have risen from 6 in 2012 to 192 in 2014. Ten of those individuals were in either

<sup>2</sup> The 2010 drug strategy, 'Reducing demand, restricting supply, building recovery: supporting people to live a drug-free life' sets out the government's approach to tackling drugs and addressing alcohol dependence.

Hostel or Care Homes and two were under 18 years. One of the 17 year olds has been found collapsed 13 times in 16 months.

- 7.20 The Government funded FRANK service recognises that to reduce the demand for all drugs, young people in particular need quality education on the effects and harms of drugs and to develop the skills and confidence to reject them.
- 7.21 PHE has launched a *Rise Above* campaign for 11 to 16 year olds which aims to help young people to build resilience and prevent them from engaging in risky health behaviours. Prevention approaches that target generic risk factors (for example, truancy, unstable home environments, build resilience and social capital (for example, good social networks, stable homes) have been shown to increase the likelihood of preventing people from developing harmful drug using behaviour. These approaches build resilience by supporting people; giving them opportunities for alternative healthier life-choices; and improving their skills, decision making and social capital.
- 7.22 The Panel was informed that resilience building, more so than specific drugs prevention activity, has the best evidence for helping people to avoid drugs. Programmes focused on building skills and attitudes to health are also worth considering.
- 7.23 The Panel supports targeted prevention interventions in institutional settings for those who have begun to use NPS – to deter use and prevent use being harmful or developing into dependence.
- 7.24 This approach could include tailored information, brief interventions, on-site advice or referral pathways. Such prevention initiatives may require ‘up-skilling’ of those in contact with NPS users with NPS information, advice, emerging prevention, brief interventions and referral for treatment for those that need it.

#### Health Consequences in Sunderland

- 7.25 Since 2005, NPS have been blamed for 70 deaths in the UK. As yet, no deaths have been linked to legal highs in Sunderland however; their use has been a cause of significant health problems for some users.
- 7.26 The harms of NPS are multi-faceted and may be physical or social. We are definitely starting to see health and other problems caused by regular use of NPS affecting NPS users' employment and education.

#### ***In the local media....***

*A former legal high addict says the drugs ruined his life (May 2014)*

“I was like a zombie’ – the legal highs addict lost his job, home, and freedom to the drugs – going to prison after becoming hooked on the drugs, which can be bought for as little as £5 a bag. He said: “I could not sleep and it stripped all the weight off me. “Legal highs ruin your body and ruin your head. I was like a zombie. I would go to sleep standing up.

*Legal high’ taken off shelves after substance landed teenager in hospital (September 2012)*

A city shop owner has taken a legal high off his shelves after the substance hospitalised a 15-year-old Wearside girl. The teenager was taken ill after using Annihilation, a type of incense. A website which claims to sell the drug say it has “explosive strength”.

*Sunderland teenage thief 'flatlined' twice after taking legal high (May 2014)*

A teenage thief almost died because of his addiction to legal highs. The 17-year-old had "flatlined" twice after taking the drugs. It comes after police issued a fresh warning recently when a man needed hospital for taking a substance known as Rapture.

*Sunderland man taken to hospital after taking legal high (May 2014)*

A 30-year-old man was spotted on Wearmouth Bridge in a heavily intoxicated state. Police and ambulance attended the scene and the man was taken to hospital. He had taken a herbal incense substance called Rapture.

*They can kill' – police warning over legal highs (April 2013)*

Northumbria Police has pleaded with people to shun the drugs after three teenagers began to vomit blood. "I would like to stress that the use of legal high drugs is not safe and can kill or have a devastating impact on people's health. These substances often contain potentially dangerous chemicals." Two girls and a boy, all aged 15, were taken to hospital after falling ill and vomiting blood after taking a substance called Clockwork Orange Herbal Incense.

- 7.27 The Panel understands that most people using NPS are not coming to the attention of specialist drug treatment services or general health services. Further, most people currently obtain information about NPS from their peers or from internet sites where drug using experiences are shared. Despite the recent rapid increase in use, currently only 4% (73 of 1984) of the service users in local adult substance misuse treatment services report use of NPS amongst problem substances.
- 7.28 To make sure the systems in place are suited to each potential user group, we need to understand how each group accesses specialist services. We may then determine that different systems may need to be in place to support users of all ages, wherever they are in life.

#### CASE STUDY - Sunderland YMCA - MAD4U DVD

Making a difference To You or MAD4U is a peer education programme that has been in operation in Sunderland for several years and is run and organised by those that have been homeless or who may have various other issues including family breakdown.

The group has produced a piece of work on legal highs which includes a presentation which has already been seen by professionals and service users.

The DVD warns of the dangers of the drugs, which campaigners have linked to over 50 deaths in the UK, to be shown around the country.

The centre's training manager, said: "It is quite hard-hitting, but really effective and everyone who has seen it hopes it might stop young people from using. Abuse of the substances – sold as over-the-counter tablets and powders – has taken a devastating toll on some of the young residents of the centre, where drugs and alcohol are banned.

"They are stealing to fund addictions; they are not paying the rent or bills or buying food. We went through a stage of having the ambulance here once a day, but we seem to have got through the worst of it.

- 7.29 The Panel believes it is vitally important that there are accurate public health messages on NPS to allow potential users to understand the choices that they are making and the harms associated with NPS. Users may be unaware of the risks that they are taking with such substances. Existing mechanisms for delivering public health messages and drug education should include reference to NPS including public campaigns e.g. FRANK and public information campaigns.



## National Guidance

- 7.30 The main piece of legislation used in relation to both NPS and controlled substances is the Misuse of Drugs Act 1971, which describes, explains and classifies prohibited substances. The problem is that ‘mimic’ drugs – new substances created by chemically altering controlled substances but which retain very similar physiological actions – fall outside the descriptions and, therefore, fall outside the Act.
- 7.31 As a consequence, other pieces of legislation are considered: the Drugs Act 2005, which again relates only to controlled drugs; the Medicines Act 1968, which manufacturers try to circumvent through ‘Not for Human Consumption’ labelling; and, the Intoxicating Substances (Supply) Act 1985, which prohibits the sale of certain substances to those under the age of 18. There is even the Offences Against the Person Act 1861, under which it is an offence to knowingly administer a poison to another person, however, the overall opinion of law enforcement is that current legislation is, at best, only partially effective.
- 7.32 A number of barriers to action have been identified. Although testing is an essential part of any action, there is a lack of testing kits and scarce resources to pay for laboratory testing services. A number of prosecutions have been brought in relation to NPS but sentencing has been low. In addition to the work that the police undertake – for example, regular attendance at premises as a deterrent – other options identified for public services include:
- Partnership is essential in order to share information and experience, and develop a coordinated response;
  - More research is needed to better understand what’s happening on the ground. This research will inform government, senior law enforcement and Police and Crime Commissioners and help them to decide what actions need to be taken.
- 7.33 The Panel is aware that NPS pose a significant legislative challenge. The Government’s response to date has been wide ranging but it recognises that there is more to be done. In December 2013, the Home Office appointed an expert panel tasked with looking at whether the legislative framework for responding to these new drugs could be enhanced beyond the current approach under the Misuse of Drugs Act 1971, as well as looking at how our health and education response needs to be developed.
- 7.34 The report concluded that the Government’s existing approach under the Misuse of Drugs Act 1971 should be built on, not disregarded. Notwithstanding this recommendation, the report put the case for an enhanced legislative approach for NPS. The NPS market is in a constant state of evolution, and in the absence of a comprehensive legal framework, it will remain “a significant reward enterprise”.
- 7.35 Some attempts in the use of non-drug-specific legislation have disrupted the market to some degree but do not provide a complete solution to tackle the availability of non-controlled NPS.
- 7.36 The report’s key legislative recommendation focuses on stemming the supply, rather than on those using NPS. The main challenge will be to continue to manage the criminal market, whether through the internet, international retailers or organised crime and street dealers

## CASE STUDY - IRELAND

The Criminal Justice (Psychoactive Substances) Act 2010 (the 2010 Act) was introduced in response to the proliferation of headshops in Ireland. It made it a criminal offence to advertise, sell, supply, import or export a psychoactive substance knowing that it was for human consumption. The Act focuses exclusively on substances intended for misuse. There are appropriate exemptions for tobacco, alcohol, food and medicines.

The Irish Police Force were given powers to investigate offences and the legislation provides for an escalation through the use of prohibition notices, court issued 'prohibition orders' and 'closure orders' for failure to comply, with non-compliance of a 'prohibition order' punishable by up to five years in prison.

In terms of penalties, any person found guilty under the 2010 Act is liable to a fine or imprisonment.

An inventory of headshops in Ireland indicated that prior to the introduction of the Act there were 102 headshops. Following the introduction of the Act, in effect the headshop trade in Ireland has virtually disappeared with only a negligible amount of such outlets, which continue to be monitored by the police authorities for any breaches of the law.

- 7.37 The 2010 Drugs Strategy also set out a commitment to review evidence about what works in other countries. During 2013 and 2014, ministers and officials undertook a programme of international fact-finding visits to review different approaches to the misuse of drugs and consider them against the approaches taken in the UK.
- 7.38 Findings show that many countries are to a large extent acting along the lines of the three strands at the core of the 2010 Drugs Strategy: reducing the demand for drugs, restricting supply, and supporting drug users towards recovery. However, there are sometimes stark differences in emphasis and variations in policy and operational responses.
- 7.39 Where there are differences in practice between one country and another, these are often informed by different social and legal contexts. What works in one country may not be appropriate in another. In many cases, they illustrate the complexity of the challenge, and demonstrate why the UK cannot simply adopt another country's approach.
- 7.40 The UK's legislative approach to drugs misuse continues to be based on the Misuse of Drugs Act. In light of the constraints of using the current legislation, the Panel believes the Council should join the lobby requesting the drafting of legislation to outlaw the sale and distribution of legal highs to create a blanket ban for it to be a criminal offence knowingly to advertise, sell, supply, import or export legal highs.
- 7.41 The Anti-Social Behaviour, Crime and Policing Act 2014 came into effect on 20 October 2014. The Act introduces some radical changes to how local bodies deal with anti-social behaviour so that they can be more effective. The following three notices are available and may be useful in tackling legal highs:
- *Community Protection Notices (CPNs)*  
CPNs can be issued by police and local authorities to individuals, organisations or businesses if the issuing agency is satisfied on reasonable grounds that their

conduct is having a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature *and* is unreasonable.

- *Closure of premises associated with nuisance or disorder etc*  
The police or council can issue a closure notice if the use of particular premises has resulted or is likely to result in nuisance to members of the public, or there is likely to be or has been disorder near the premises which is associated with the use of that premises.
- *Public Spaces Protection Order can be used when 'Behaviour has to be likely to or has had a detrimental effect on the quality of life of those in the locality; be persistent, unreasonable and justifies the imposed notice'*. Councils have started to use this new prohibition order in relation to NPS.

#### Case Study – Use of PSPO in Lincoln town centre

In February 2015, Lincoln Council became the first in the country to impose a PSPO in an area in the city centre. Lincoln had become well-known for having "a ready and cheap supply" of legal highs leading to what the authority described as "legal high tourism".

The order, to be introduced on 1 April 2015, would prohibit people in a defined area to "ingest, inhale, inject, smoke or otherwise use intoxicating substances including alcohol and 'legal highs'". Anyone who breaches the order would be committing a criminal offence and could receive a Fixed Penalty Notice or face a fine in court. Police and council enforcement officers would have the power to demand the surrender of the intoxicating substances.

A consultation was held with the public and local business and over 200 responses were received, with 97% supporting the proposed PSPO.

- 7.42 In terms then of the role of the police they are law enforcers, not educators, or experts in health or harm reduction. If no law exists that prohibits an activity, the police have problems in taking action.
- 7.43 The Panel felt that we should explore the options for an enforcement strategy using new Anti-Social Behaviour powers, recognising that 'legal highs' are being consumed in Sunderland City Centre and that this is having a detrimental effect on the quality of life for people in the community.

#### Local Enforcement

- 7.44 Home Office guidance recognises the importance of the role of local government to enhance the response in relation to intervention and treatment, prevention and education, as well as information sharing. However, as we heard through evidence, local authorities find it challenging to take action because current legislation was not designed to deal with the sale of these products. We are very much in an exploratory phase, looking to take action through other pieces of legislation, the so-called 'Al Capone' approach.
- 7.45 The Panel considered the council's role as an enforcement authority through the role of Trading Standards. Legislation is available through consumer regulations, but there are stumbling blocks. Firstly, there is no standard compliance tool for these products. Regulations require showing that an 'average consumer' has been

influenced by misleading information, such as when NPS are labelled as 'plant food', or 'bath salts', yet, most consumers know exactly why they are buying these products and so are not being misled. Secondly, the 'average consumer' test must be applied, and those taking NPS are not average consumers as they have a better understanding of this environment.

- 7.46 A further issue is the availability of resources. If local authorities are to take action against head shops, they need to the financial resources to test products on sale, as they would with a pint of beer in a pub or food in a supermarket. Testing shows whether a product contains a controlled substance, information which could be passed on to the police or used as leverage to tackle head shop owners.
- 7.47 Other avenues to explore include looking at the safety of these products under the General Product Safety Regulations 2005. These require manufacturers to provide sufficient information to enable a product's safe use and that the 'Not For Human Consumption' labelling does not constitute sufficient information.
- 7.48 Finally, there is the option of 'technical issues', such as the requirement that products carry a manufacturer's name and address or that a 'chemical' product has a technical file listing the active ingredients and the testing regime.
- 7.49 The situation is evolving rapidly. In the past, when labelling was very poor, there was a better chance of seizing goods but, manufacturers are one step ahead and NPS are becoming much harder to 'screen test' on a site visit. The internet also presents issues as it is difficult to engage with a business hiding behind a webpage and trends are difficult to track.
- 7.50 Looking forward, local enforcement could include a licensing approach. From a local authority perspective, a system that regulates head shops would need to be very robust as a licence gives a clear signal that the products on sale are safe. Such a system would need to ensure that the substance inside the container was the same as the label and that it was safe, as well as looking at issues like dosing and interactions with other substances, including alcohol.
- 7.51 At present, as well as it being very difficult to prove if a product is dangerous, few local authorities are in a position to be able to resource such a comprehensive licensing regime. Something from central government would be needed to demonstrate that a product had been properly tested and was safe, which would in turn require a robust testing regime.
- 7.52 The Panel recognises and understands that proving through laboratory testing that the substances are harmful is a challenge, particularly as there is little research on NPS and their effects on people. However, the Panel notes that, as yet in Sunderland, there has been no laboratory testing of the contents of NPS sold within the city to identify the psychoactive substances.
- 7.53 The use of the consumer regulations to tackle the sale of NPS is a developing area, and the Panel heard that a number of local authorities have been making innovative use of some of the provisions. This will require laboratory testing to identify the psychoactive substances and the Panel was aware that the University of Sunderland's School of Pharmacy had made an offer to carry out a trial test of NPS purchased locally.

7.54 The Panel feels that this first step in identifying that what is being sold locally does contain psychoactive substances would be a useful first step in establishing that the substances may be harmful and that this would, at the very least, contribute towards a campaign of non-acceptance of the availability of NPS in the city.

## **8. Conclusion**

8.1 The Panel is clear – these so-called legal highs present a challenge that cannot be ignored.

8.2 The Government has responded in a number of ways – putting in place a forensic early warning system, banning more than 350 substances and encouraging local authorities to use existing powers under drugs, medicines and consumer protection legislation to disrupt NPS supply. There has been evidence-based messaging on the risks of NPS through guidance to schools, FRANK (the government's online drug awareness service) and targeted communications activity.

8.3 Despite all of this, the problem is still on our streets and there is more to do to tackle the supply of NPS.

8.4 When we started the review we took evidence from agencies to better understand the situation on the ground. This revealed that there was good awareness of the impact and consequences of using NPS but that the ready availability of the substances means that we are left dealing with the consequences.

8.5 An effective partnership approach to the problem will cover treatment and intervention, prevention, education and information-sharing; helping dependent individuals through treatment and wider recovery support and underpinning of all this - ensuring that law enforcement protects society by interrupting the supply.

8.6 Finally, we need our communities to be less tolerant of drug use. We must resist the normalisation of NPS and put out a message that using these substances is not acceptable in this city.

## **9. Recommendations**

9.1 The Panel's recommendations to the Cabinet are outlined below:

The Council should:

1. Explore the options for an enforcement strategy including
  - the use of new Anti-Social Behaviour powers and;
  - the use of all available local powers.
2. Join the lobby requesting the Government to draft legislation to outlaw the sale and distribution of legal highs by creating a blanket ban for it to be a criminal offence knowingly to advertise, sell, supply, import or export legal highs.
3. As a priority, pursue targeted prevention interventions with children and adults at high risk of use or current users in institutional settings. This will include work in hostels (including targeted activity by the Substance Misuse Service), children in

care, and support for schools to detect and prevent the use of NPS on their premises.

4. To investigate the options for maintaining a profile of incidents, intelligence and data on NPS to support decision making.

## **10. Acknowledgements**

10.1 The Panel is grateful to all those who have presented evidence during the course of our review. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

- a) Allan Brown Crime Prevention Design Adviser, Northumbria Police
- b) Ben Seale, Public Health Commissioning Manager
- c) Gary Roberts, YDAP Risk and Resilience Team Leader Locality Team East
- d) Richard Reading Trading Standards & Licensing Manager
- e) Stuart Douglass, Lead Policy for Community Safety
- f) YMCA MAD4U group

## **11. Background Papers**

11.1 The following background papers were consulted or referred to in the preparation of this report:

- a) 2010 Drug Strategy, 'Reducing demand, restricting supply, building recovery: supporting people to live a drug-free life'
- b) Home Affairs Committee - Drugs: new psychoactive substances and prescription drugs December 2013
- c) Government response to the Home affairs committee session: Drugs: new psychoactive substances and prescription drugs May 2014
- d) Home Office NPS: A review of evidence October 2014
- e) NPS: Report of the expert panel
- f) HM Government Response to NPS Review expert panel report October 2014
- g) Guidance for local authorities on taking action against 'head shops' selling NPS