

Report of Chief Officer of Safer Leeds

Report to Scrutiny Board (Environment, Housing and Communities)

Date: 15 October 2020

Subject: Request for Scrutiny – Use of Nitrous Oxide in Leeds

Are specific electoral wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, name(s) of ward(s):		
Has consultation been carried out?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

1 Purpose of this report

- 1.1 This report has been prepared following a request from Environment, Housing and Communities Scrutiny Board Members to understand the context of Nitrous Oxide use in Leeds, in light of a referral to the Board from Cllr Matthew Robinson.
- 1.2 It highlights the volume of reported usage and associated issues linked to nitrous oxide in the city.

2 Background information

- 2.1 The number of complaints related to nitrous oxide use has increased, recently (see table below). However, it is difficult to determine whether this is an indication of increased use, or use being displaced into more public/ visible settings, due to the current temporary closure of venues and events where use would usually take place, due to the Covid-19 pandemic e.g. nightclubs and music festivals. In addition, unlike many other drugs, nitrous oxide use is particularly visible, due to the fact silver canisters are often left behind following use.

- 2.2 Although the number of deaths caused by nitrous oxide are significantly lower than many other drugs, inhaling it directly from the canister is especially dangerous, as the gas is stored under high pressure – which can cause a spasm of the throat muscle and stop a person breathing. Taking too much can also cause users to fall unconscious and, in some cases, suffocate although actual instances are rare.
- 2.3 Nitrous oxide slows down the brain and the body's responses. The effects of the drug vary, depending on how much has been inhaled. It can cause feelings of euphoria, relaxation and calmness, fits of giggles and laughter, as well as sound distortion and hallucinations. It can also cause severe headaches, dizziness, confusion or short-lived, but intense, feelings of paranoia. How long the effects last depends on how much has been taken, physical build, metabolism, whether the users has recently eaten and other drugs consumed.
- 2.4 Although nitrous oxide is not physically addictive, it may be possible to become psychologically dependent – meaning those who use it develop an increased desire to use the drug, but there is limited evidence (some anecdotal reports of developing cravings, etc.) to support this.

3 Legislation

- 3.1 Nitrous oxide falls under the Psychoactive Substances Act 2016. A 'psychoactive substance' for the purposes of the Act means a substance capable of stimulating or depressing the person's central nervous system, affecting the person's mental functioning or emotional state. The legislation excludes substances such as alcohol, tobacco and caffeine.
- 3.2 Offences are committed by those who:
- Produce psychoactive substances
 - Possess psychoactive substances with intent to supply
 - Supply or offer to supply psychoactive substances
 - Import or export psychoactive substances
 - An aggravated offence occurs where the supply, or offer to supply, took place at or in the vicinity of a school, involved the use of a courier under the age of 18 or took place in a custodial institution.

Note; It is not currently an offence to be in “simple possession” of a psychoactive substance, with nitrous oxide legitimately used in dentistry, midwifery, and in catering for whipping cream.

4 Main issues

4.1 Current Trends in Leeds

- 4.2 The most common trends in recent reports small groups of males in vehicles parking up and inhaling from canisters/ balloons. The below are typical of these types of incidents in recent weeks:

- Van pulled up outside the property; three males in the vehicle inhaling from balloons
- Male has parked up at locus; and is seen inhaling gas from a canister;
- Caller is reporting males driving around possibly shooting what the reporting person believes to be a gas canister
- Large gathering of young teenagers at locus doing helium gas canisters
- Students house parties' reports of usage.

4.3 There also continue to be reports of residents finding gas canisters in gardens or on streets;

- My 11 year old daughter has found some metal canisters in our garden that looked like they had either been thrown in or someone has come in our garden and used them
- Caller reported a number of gas canisters when she got off the bus.

5 **Current Intelligence – Leeds-wide.**

5.1 Complaints involving the use of psychoactive substances are not currently recorded in a standard manner- the figures below refer to the term “canister” being used in reports relating to concern, nuisance, drug use or similar.

5.2 The number of complaints is higher in inner ward areas, with the majority referring to cars parking on roads, supermarket car parks etc with the occupants either seen using nitrous oxide or leaving “bullet” canisters behind afterwards.

5.3 There are some reports of canisters being found in park and ginnel areas.

5.4 The below updates the reported volumes of potential incidents for the most recent 3 months (in blue)

Month – 2020	Number of Complaints Leeds-wide.
January	20
February	22
March	19
April	19
May	51
June	50
July	40
August	35

- The higher volumes of identified incidents seen in May have continued through June and July, but have reduced slightly in August.

5.5 NPT Areas

NPT Area	CITY	EAST	NORTH EAST	NORTH WEST	SOUTH	WEST
June	6	7	10	12	8	7
July	3	9	4	9	8	7
August	10	5	4	6	9	1

- Over the last 3 months, there have been increased incidents reported in the City area, relatively similar prevalence in South, but reductions in East and West Leeds.

5.6 There appears to have been a reduction in reports relating to larger groups of youths using canisters/ balloons or use of these at house parties (although these issues are not absent). It is of note that a number of these reports state “helium” rather than “nitrous oxide” being used, although the accuracy of reporting and volumes of possibly different types of gas cannot be determined accurately.

6. What we are doing in tackling nitrous oxide

- 6.1 **Enforcement** - Both criminal and civil legal remedies to control the use of nitrous oxide are available to the authorities. The police have powers to address the unlawful supply and production of nitrous oxide and local authorities can use a raft of anti-social behaviour legislation including the introduction of PSPOs and other court orders to keep communities safe and reduce the impact of littering. The use of these ‘powers’ compliment ongoing national and local harm reduction media and youth engagement campaigns aimed at educating young people to make safer choices. Unlike the misuse of ‘controlled drugs’ there is little evidence to suggest the use of nitrous oxide is linked to other crime types. Its use appears to be principally linked to festivals, parties and in other social gatherings/groups with the supply chain being predominantly made up of friends and the internet being the most likely source of supply.
- 6.2 Both the police and Council are aware of issues around the use of substance misuse and neighbourhood policing are working in partnership to reduce incidents affecting the wider community. This includes groups congregating and causing a nuisance while under the influence of nitrous oxide. A health warning on the risk of inhaling laughing gas has been issued by West Yorkshire Police after a worrying trend hitting Leeds' streets June 2020 YEP.
- 6.3 **Trading Standards** are not currently aware of Leeds based businesses retailing nitrous oxide or laughing gas capsules to members of the public. The main supply seems to be done informally through individuals, face to face, shadow economy, Facebook and items can be purchased on Amazon. The prevalence seems to be the City Centre, linked to night time economy and such areas with a large student population.
- 6.4 **Littering** - Our street cleaning teams are picking up discarded canisters from estates, parks, and streets.

- 6.5 **Preventative** information that discourages people from using drugs and substances including nitrous oxide are widely available such as guidance and valuable resources for parents when talking to their children. Work with school children about the dangers and effects of nitrous oxide are part of the substance abuse schools programmes, also partner agencies working with young people outside of school settings. Safer Schools Police Officers Police are teaching young people about the dangers of using nitrous oxide in schools.
- 6.6 **Campaigns** - The Leeds Drug and Alcohol Social Marketing Group (S-MAP), a collaboration between Leeds City Council and Forward Leeds (Leeds integrated drug and alcohol service), is currently running a harm reduction campaign on recreational drug and alcohol use. The campaign focuses on the harms associated with drug and alcohol use, and particularly the increased risk of mixing drugs with other drugs and/or alcohol, as well as looking after your friends on nights out and not being scared to seek help if needed. Due to the current pandemic, the campaign is online (comprising of animations and videos), and utilises a number of social media channels, particularly those popular with younger people, including Twitter, Facebook and Instagram. Since the beginning of September, a number of these animations have also been played, hourly, on the big screen in Millennium Square.

7 Corporate considerations

7.1 Consultation and engagement

- 7.2 The community safety partnership and a range of key stakeholders to consider the report and ensure wider consultation and agree preventative and enforcement initiatives to address community concerns.
- 7.3 Like many issues this cannot be tackled by one agency alone. A number of key organisations such as Police, Trading Standards, Local Authority, Youth Offending, ASB, Public Health and Drugs work towards reducing the harm caused by gas to both individuals and our communities.
- 7.4 All plans ensure a robust multi-agency approach is in place to undertake preventative activity alongside enforcement action. Examples of work undertaken include:
- Use of social media to encourage reporting of incidents and raising awareness through campaigns of the harm of substance misuse and staying safe.

8 Equality and diversity / cohesion and integration

- 8.1 An equality impact assessment will be undertaken should this item be subject to a detailed scrutiny session.

9 Council policies and the Best Council Plan

- 9.1 The Best Council Plan 2018/19 – 2020/21 includes Safe, Strong Communities as a Best City Priority and one of the intended outcomes of the plan is for people to ‘be safe and feel safe.’
- 9.2 The community safety partnership aims to work towards priorities set out in the Safer Leeds Community Safety Strategy, which was approved by Executive Board in October 2018.

10 Climate Emergency

- 10.1 Officers recognise the ambition to tackle the Climate Emergency in Leeds as declared at the Council meeting in March.
- 10.2 Nitrous oxide is 300 times more potent than carbon dioxide, and it also depletes the ozone layer. Since it also has a shorter life span, reducing it could have a faster, significant impact on global warming. (Ref: Inside climate news)

11. Resources, procurement and value for money

- 11.1 If this item is subject to detailed scrutiny, existing planning arrangements and initiatives will be reviewed in order to maximise the value derived from existing resources.

12 Legal implications, access to information, and call-in

- 12.1 There are no exempt items so there are no access to information issues.
- 12.2 There are no legal implications for the work set out in this report.

13 Risk management

- 13.1 Local residents have raised concerns around the use of gas canisters affecting individuals and see it as a mitigating factor to causing ASB and littering. This can be a distressing time for some of the most vulnerable groups within our communities.
- 13.2 A range of different partners are required to work on this agenda and resources will be required to be agreed/aligned if bespoke work is required in this area.

14 Conclusions

- 14.1 Nitrous Oxide is considered less harmful than other controlled drugs and many other psychoactive substances. The term ‘hippy crack’ is a term derived from the tabloid media a few years ago but it could be argued there are no real comparisons to be made between it and crack cocaine. Nitrous oxide is not known to have any short / medium term adverse effects and there doesn’t appear to be any evidence of people being at risk of becoming dependent on it due to it being non addictive.

- 14.2 It could be argued the current legal status of nitrous oxide and its ease of purchase may be important factors in contributing to any recent perceived increase in its use - and this use will be more visible in communities now as a consequence of Covid-19 pandemic related social distancing guidance which has led to the widespread cancelling of festivals, events, clubs and parties where nitrous oxide is known to be used.
- 14.3 The Government Advisory Body appear to have so far assessed the harmfulness of nitrous oxide as not warranting its control under the Misuse of Drugs Act 1971 preferring public safety advice as a key component part of what it considers a more proportionate and appropriate harm reduction strategy. Whilst the use of nitrous oxide with alcohol increases health risks it is also known to be used by young people as an alternative to alcohol – a substance that most would consider much more harmful.
- 14.4 Beyond this, there appear other options to be potentially explored include a review of the legislation should it be warranted and opportunities for government to work with the industry and retailers to better understand and disrupt supply chains at source as part of a problem solving approach, early intervention approach rather than in the community with the police and local authority community safety resources remaining focused on other partnership priority issues and demands including the supply of drugs as identified in the Misuse of Drugs Act 1971. These priority issues include tackling the supply of Class A controlled drugs are known to cause significant harm to communities in a multitude of ways.
- 14.5 Bearing in mind the context associated with the use of nitrous oxide, it could be said that the best policy approach to addressing its use should principally continue to be within a wider public health setting rather than one centred on enforcement and control measures. This public health approach has gained much momentum in recent years and could be seen as a shift that brings the approach to drugs and psychoactive substances close to that currently offered to other harmful substances such as alcohol and tobacco.

15 Recommendations

- 15.1 The Board is asked to use the information provided to inform the decision of future work programming.

16 Background documents - None