

Nitrous Oxide Public Spaces Protection Order

Frequently Asked Questions

Q. What is Nitrous Oxide (also known as NOX, NOS or laughing gas)?

A. Nitrous oxide is used as pain relief during medical procedures such as dental work. It can also be legally bought for use in whipped cream dispensers.

It is classed as a Psychoactive Substance (also known as a "legal high") and nitrous oxide can cause dizziness and affect the taker's judgement. This can put people at risk of hurting themselves. Further research is taking place into its long-term effects, with some health conditions and deaths linked to its use.

Q. What does the law say about it?

A. The Psychoactive Substances Act 2016 is the main law that deals with substances such as NOX and there are a number of offences laid out within it. The most relevant to the way that misuse of NOX impacts upon the quality of life of residents in this borough are:

- supply
- offer to supply to others
- possession of a psychoactive substance with the intent to supply

N.B. It should be noted that within the 2016 Act, it is not an offence simply to possess or use a psychoactive substance such as NOX.

Q. What is a Public Spaces Protection Order (PSPO)?

A. The Antisocial Behaviour, Crime and Policing Act 2014 gives Local Authorities the power to make PSPOs. It can do so (after consultation with other statutory authorities and those likely to be affected by the PSPO), if it is satisfied on reasonable grounds that behaviour within the defined area:

- has or is likely to have a detrimental effect on the quality of life of those in the locality;
- is of a persistent or continuing nature; and
- is unreasonable

The Order identifies the 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. The order may not have effect for more than 3 years. Failure to comply with a public spaces protection order is an offence.

Q. If there is a law that already deals with NOX, why is there a PSPO for it in Tower Hamlets?

A. Possession or use of NOX are not offences. However, we have been aware of the negative impact that misuse of NOX causes residents and visitors to the borough in the form of the thoughtless littering caused by discarding cannisters and the antisocial behaviour

committed by those whilst using NOX. Our consultation on introducing a Public Spaces Protection Order (PSPO) on antisocial behaviour caused by nitrous oxide received the most responses the council has seen. 98 per cent of respondents were in favour of it.

The PSPO makes antisocial behaviour associated with nitrous oxide possession or use an offence. It also gives council enforcement officers and local police, (through a working partnership framework with the council), the power to fine or prosecute against those who are causing antisocial behaviour and are in possession of nitrous oxide. In such cases a person must also hand over any of the substances in their possession. This is an effective and proportionate approach to tackling ASB associated with NOX.

Q. Who can enforce both the PSPO and the other key elements of the Psychoactive Substances Act 2016?

A. In cases where there is sufficient evidence, the council's Tower Hamlets Enforcement Officers and police can and do enforce the PSPO. Depending upon the particular cases, this takes the form of formal warnings or the issuing of Fixed Penalty Notices, with the penalty being £100. People under 18 are not issued with FPNs in this borough and unless the nature of the behaviour is such that more serious action is necessary, they are dealt with by warnings and referrals. Under the Psychoactive Substances Act 2016 and again where sufficient evidence is available, the police and authorised council officers (Trading Standards) can and do deal with the issues of supply, offering to supply and possession with intent to supply.

Q. What can I do if I want to report the litter caused by the NOX canisters being discarded?

A. You can report discarded canisters so we can clean them up and send them to be recycled. If they are on your estate, you should contact your landlord or caretaker.

If canisters are in streets or parks, away from estates, you can report them using the Love Your Neighbourhood app or online using the council's street cleaning form available by going to: <https://www.towerhamlets.gov.uk/nolaughingmatter>

Q. What can I do if I want to report antisocial behaviour associated with the misuse of NOX?

A. You can report antisocial behaviour hotspots in our borough to help us enforce our nitrous oxide PSPO by going to: <https://www.towerhamlets.gov.uk/nolaughingmatter>

Q. What help and support is available to those people who are engaged in the misuse of NOX and legal highs?

A. If enforcement does happen or depending upon the circumstances and ages of the users any warnings are issued, options for support are offered.

Also, anyone who is concerned about a friend or relative, or who needs support themselves, can contact Health Spot (for those aged 11-19 years old) on 020 3011 1333 or by emailing hello@wearespotlight.com

RESET Tower Hamlets offers drug and alcohol treatment to resident aged 18 or over and support to family and friends who are concerned about someone's drug and/or alcohol use. Call 020 3889 9510 or email reset@towerhamlets.cgl.org.uk.