

COMMUNITY SAFETY PARTNERSHIP

BRIEFING

Subject: Psychoactive Substances Act 2016

Date: 1 June 2016

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Security: Unrestricted

1. Purpose of Presenting the Report and Decisions Required

- 1.1 This report provides an overview of the Psychoactive Substance Act 2016 which will take effect from 25 May 2016. The Act is a legislative initiative aimed at banning psychoactive substances, and has been introduced in order to prevent the continued manufacturing of 'legal highs'. The Act now has Royal Assent as it has been agreed by both Houses.
- 1.2 The Home Office have now circulated a series of leaflets which are aimed at young people and potential sellers of psychoactive substances in order to inform them of the potential dangers around possession and use of these substances.. These are included within the Appendix for reference.
- 1.3 It is recommended that the Community Safety Partnership Board:
 - note the contents of this report with particular reference to the recommendations listed

2. Definition of New Psychoactive Substances

- 2.1 New Psychoactive Substances (NPSs) are substances that mimic illegal drugs such as cannabis cocaine and ecstasy. They are not illegal to consume and not illegal to sell. A psychoactive substance can either depress or stimulate a person's central nervous system and it affects a person's mental functioning and emotional state.

- 2.2 The Government have described Psychoactive Substances as something 'capable of producing a psychoactive effect in a person who consumes it'. At present, UK law allows 12 month temporary banning order to be placed on any new psychoactive compound that may have a detrimental impact on humans, while further investigations are made into its properties and potential illegalisation. In order to keep ahead of the law, chemical compounds are continuously changing in these substances.
- 2.3 Typically, they can be purchased on the internet (both dark and clear web), in 'head shops' and via friends or dealers. Currently, as long as the packaging states 'not for human consumption', it is not illegal to sell. The ban will mean this can no longer be a legal activity.

3. Offences, Penalties and Enforcement

- 3.1 The following have been made offences under the Psychoactive Substances Act 2016:
- Producing Psychoactive Substances
 - Supplying or offering to supply Psychoactive Substances
 - Possession with intent to supply Psychoactive Substances
 - Import or exporting Psychoactive Substances
 - Possession of Psychoactive Substances in a custodial institution
- 3.2 Anyone convicted of the above offences could receive a prison sentence of up to 12 months or a fine – amount not confirmed.
- 3.3 Enforcement of the Act will proceed as follows:
- Usual Police stop and search powers will apply including stopping and detaining vehicles;
 - Usual warrants are required when searching properties for evidence of producing or possession of Psychoactive Substances; and
 - Police or Customs officer has the power to seize substances they believe to be Psychoactive Substances.

4. Exemptions

- 4.1 Alcohol, nicotine and tobacco products, medicines, controlled drugs and food are all exempt from the ban.
- 4.2 Health care professionals providing medical care to individuals are able to continue their work.
- 4.3 Using substances to carry out scientific research is also not included in the ban.

5. Local picture

- 5.1 'Head shops' are known to sell hydroponic equipment which could be used for producing cannabis plants. Some of these shops across the country are also known to sell Psychoactive Substances.
- 5.2 There are two shops on the borough that sell hydroponic equipment however, there is no evidence to suggest that they sell Psychoactive Substances
- 5.3 Locally it is known that the most common substances used are synthetic cannabis (Spice) and NOS (laughing gas).
- 5.4 Locally it has been reported that individuals who use Psychoactive Substances such as Spice or Laughing Gas either purchase them online, get them from friends or go out of the borough.
- 5.5 It is unclear at this stage how the purchase of Psychoactive Substances online will be policed. Therefore, until there is a way to manage the 'dark web' or indeed monitor the purchase of NPS via retail websites, individuals will still be able to obtain their drug of choice.

6. Recommendations

- 6.1 It is recommended that the Community Safety Partnership:
 - Continue educating young people regarding the effects of using Psychoactive Substances;
 - Continue to gather information regarding where individuals are purchasing their Psychoactive Substances in order to interrupt any known dealing activity; and
 - Ensure that locally, residents are aware of the changes in legislation and what the penalties are.

7. Appendix

- 7.1 Appendix A – New Psychoactive Substances Seller's Leaflet, Home Office
- 7.2 Appendix B – New Psychoactive Substances Young People's Leaflet, Home Office
- 7.3 Appendix C – New Psychoactive Substances Young People's Poster, Home Office