

REPORT TO: LICENSING COMMITTEE

Date of Hearing: 2 June 2015

Report of: Environmental Health and Licensing Manager

Type of Application: To seek the introduction of an additional condition to the Sex Establishment Licensing Policy to prevent the sale of New Psychoactive Substances

Legislation: Local Government (Miscellaneous Provisions) Act 1982

Is this a Key Decision?

No

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

1.1 The report seeks to introduce an additional condition to Appendix C of the policy to prevent the sale of New Psychoactive Substances at premises holding Sex Establishment Licences.

2. Recommendations:

2.1 The Licensing Committee are recommended to adopt the proposal below which is to be added to the standard conditions contained within Appendix 3 (13) of the Sex Establishment Licensing Policy:

1. The premises shall not sell New Psychoactive Substances.
2. The new policy will come into effect from 1 August 2015.

3. Reasons for the recommendation:

3.1 Officers consider that the pragmatic proposal contained in this report will enhance public safety and ensure that the Council is not incorrectly seen as condoning the sale of New Psychoactive Substances.

4. What are the resource implications including non financial resources.

4.1 There will be no resource implications in implementing the recommendation.

5. Section 151 Officer comments:

There are no financial implications contained in this report.

6. What are the legal aspects?

6.1 The power to prescribe standard conditions is contained in Schedule 3 (13) of the Local Government (Miscellaneous Provisions) Act 1982 - *the appropriate authority may make regulations prescribing standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to*

which licences under this Schedule are in general to be granted, renewed or transferred by them.

7. Monitoring Officer's comments:

8. Report details:

8.1 New Psychoactive Substances (NPS) which are also referred to as 'legal highs,' are substances that are not currently controlled by the Misuse of Drugs Act 1971. Under the Medicines Act 1968, most of these substances are illegal to sell, supply or advertise for human consumptions. They have usually not undergone any testing, so cannot be sold as 'fit for human consumption.'

8.2 The Home Office's expert review panel defined New Psychoactive Substances as:

'Psychoactive drugs which are not prohibited by the United Nations Drug Conventions but which may pose a public health threat comparable to that posed by substances listed in these conventions.'

8.3 As NPS have not been tested, the effects and risks are largely unknown. Users of such substances often mix NPS drugs with alcohol and other illegal substances. The effects if consumed can be very unpredictable, with behaviours such as aggression and vulnerability being commonly observed, with significant intoxication leading to collapse or even death.

8.4 New Psychoactive Substances (NPS) have become a major concern to local agencies over the last two years. As an alternative to illegal drugs, the sale of NPS's can be lucrative to any retailer. Two specialised shops within the City have attracted significant attention, leading to numerous Police and multi-agency actions, but since these shops have ceased from trading these substances, the sale of NPS's has moved to other non-specialised premises, on-line sales and street sales. Of concern is intelligence that has been recently received about sales of NPS's from one of the three licensed sex establishments. Exeter has suffered increases in anti-social behaviour directly related to the prevalence of the sales of these substances, and so it is appropriate to deter other retail premises from branching out into this market.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 Adopting a new condition to the street trading policy will contribute to a healthy and safe city and contribute to the primary aim of licensing which is to protect public safety

10. What risks are there and how can they be reduced?

10.1 Formulating a condition that prevents the sale of New Psychoactive Substances (NPS) and that that protects public safety should make a positive impact on creating a vibrant city to live, work and visit.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The proposal has no equality or diversity impacts and should produce a positive impact with respect to health and wellbeing, safeguarding children, young people and vulnerable adults. The proposal aims to improve community safety and the detrimental impacts to neighbourhoods that is caused through the use of these substances.

12. Are there any other options?

12.1 There is the option to retain the status quo, but this is not considered a good option as it would hinder any future action to deal with problematical sales of NPS's through sex establishments.

Assistant Director Environment

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- Home Office (October 2014) New Psychoactive Substances Review: Report of the Expert Panel
- Lincoln City Council (January 2015) Executive Report Proposals for the Implementation of a Public Space Protection Order
- Local Government (Miscellaneous Provisions) Act 1982

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275