



Tackling substance abuse



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KCC

Tackling Substance Abuse

New Psychoactive Substances

James Whiddett 15.10.2015



Introduction



NPS not legal highs

Content

- Trading Standards activity country wide
- Community Safety
- Police
- Public Health
- Angelus Foundation
- The Psychoactive Substance Bill

Kent Trading Standards

- Most 'Head Shops' outside of London
- Working closely with Kent Police
- Pre-warning letter to retail premises
- Joint Follow up visits with Police
- Sample of NPS – suspension of product
- NPS tested for illegal drugs
- Civil forfeiture of product
- Considering different approach

Norwich Trading Standards

- Followed General Product Safety Regulations
- NPS tested / unsafe
- Notices issued against premises
- At court defendants conducted a legal challenge
- Discussions led to Undertaking stopping premises selling NPS

Cumbria Trading Standards / Police

- Joint working
- Warning notices of dangerous products
- Voluntary surrender of dangerous products

Scottish Trading Standards

- Trading standards staff have been given a “vital tool” for closing retailers of legal highs ahead of upcoming legislation addressing their prevalence, according to **legal affairs minister Paul Wheelhouse**.
- New guidance has been issued by the **Scottish government**, which councils, police, and NHS boards hope can help eliminate the sale of legal highs – both online and offline.
- Officials refuse to identify the tactics that will be used against retailers, but have reportedly had success using *General Product Safety Regulations*.



Lincolnshire Trading Standards

- Followed General Product Safety Regulations
- Control samples of NPS obtained from manufacturer
- Collaboration with local university for analysis
- Worked with coroner on toxicology to show NPS as dangerous product

Taunton Deane Community Safety

- Increasing local problem
- Drug litter, 2 year old needle stick injury
- Anti social behaviour identified
- Crime and Policing Act 2014 – linked behaviour to premises
- Burden of proof – balance of probabilities
- Community Protection order granted / renewed

Lincolnshire Police

- Large Increase in ASB and Crime around the legal high shops
- Legal High Tourism
- Partnership working (10+)
- An NPS Pro-forma was produced by Lincolnshire Police which was distributed amongst the NPS group for wider distribution
- Housing schemes were very proactive and a picture of use and affect started to emerge
- Public Space Protection Order (PSPO)
- Community Protection Notice (CPN)

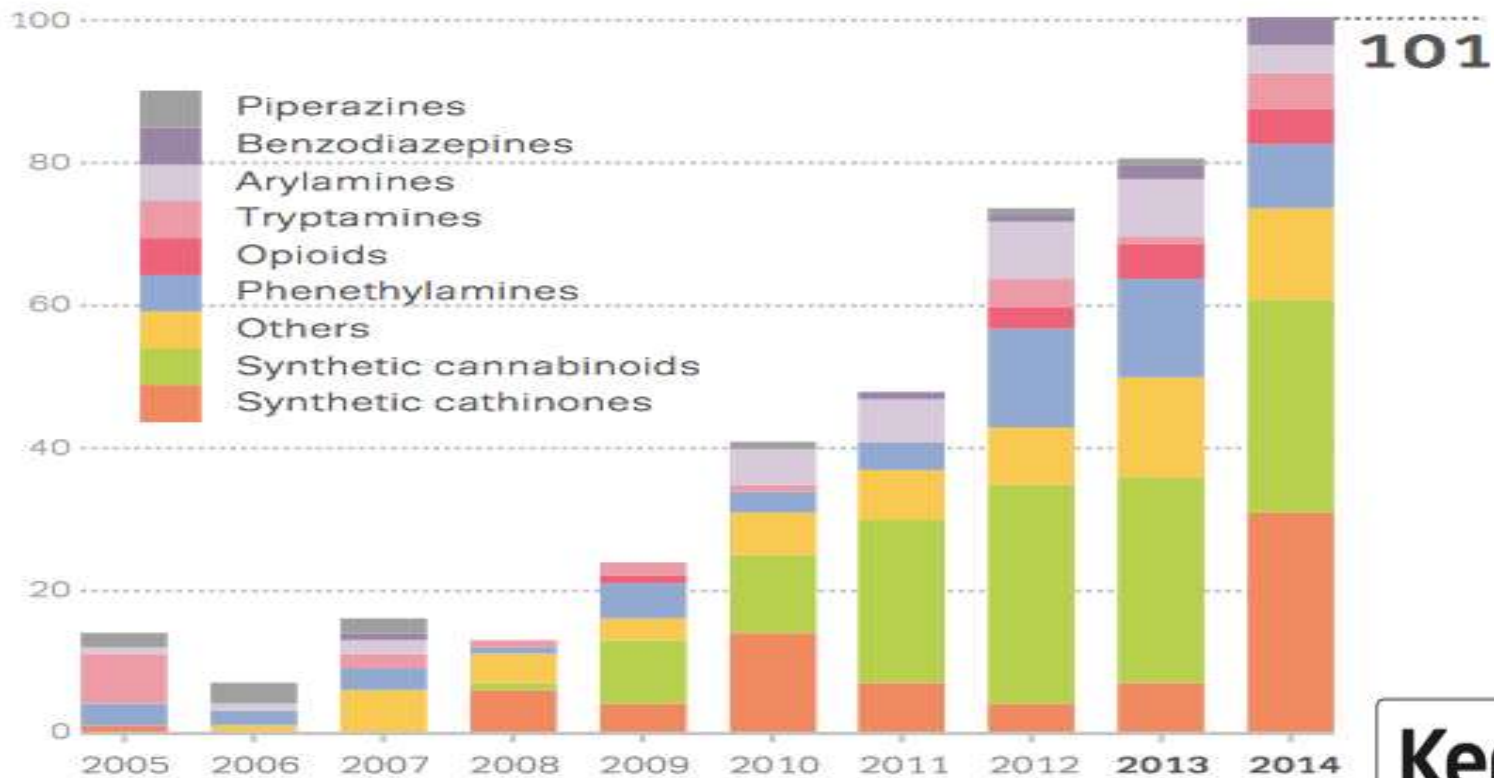


Public Health

- Crime survey sources of NPS 34% a shop, 34% friend neighbour or colleague
- Vulnerable groups – prisoners, homeless, young people, clubber, students, professionals
- Second to cocaine in telephone enquiries after misuse (National Poisons Information Service)
- 8% NPS were controlled drugs
- 4 main types Stimulants, Sedatives / Dissociatives, Hallucinogens and Synthetic cannabinoids

Public Health

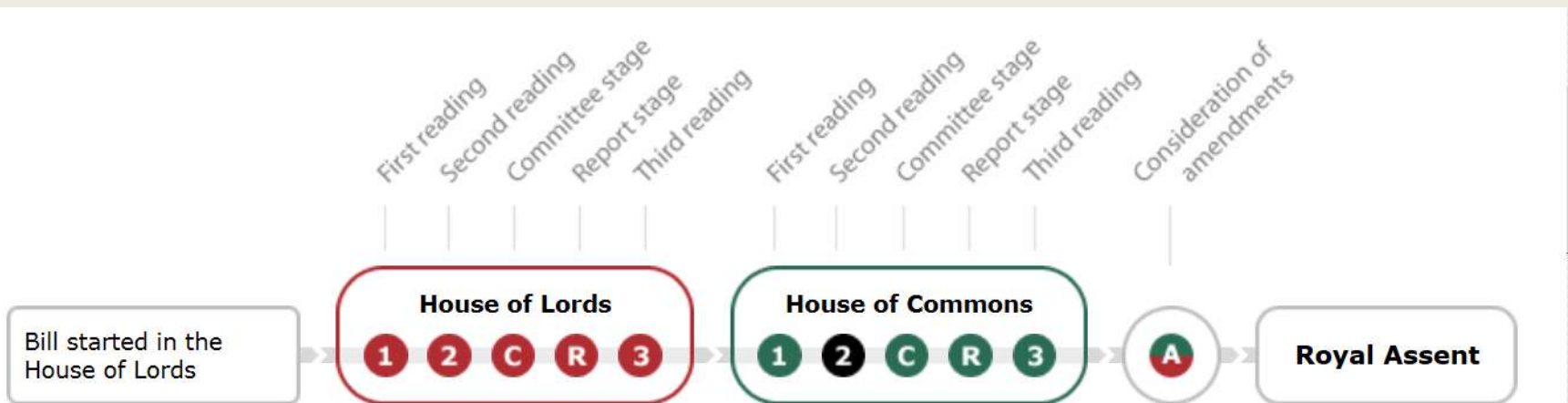
Number of new psychoactive substances reported to the EU Early Warning System, 2005–14



Angelus Foundation

- Our mission is to help society be better informed about the dangers of 'legal highs', to reduce the harm they cause to young people and their families, and to save lives.
- [Angelus Foundation](#)

The Psychoactive Substance Bill



Last event

- 1 1st reading: House of Commons 21 July, 2015 | 21.07.2015

Next event

- 2 2nd reading: House of Commons | Date to be announced

The Psychoactive Substance Bill

- “local authority” means—
in England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly
- “relevant enforcement officer” means—
(a) a police or customs officer (see section 35(4)),
or
(b) an **officer of a local authority.**



- “psychoactive substance” means any substance which—
- (a) is capable of producing a psychoactive effect in a person who consumes it, and
- (b) is not an exempted substance (see section 3).
- (2) For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state; and references to a substance’s psychoactive effects are to be read accordingly.
- (3) For the purposes of this Act a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person’s body in any way.

The Psychoactive Substance Bill

- Will make the production, supply, possession to supply, import/export of psychoactive substances illegal.
- Exceptions for caffeine, alcohol, tobacco, medicines and food (scheduled products)
- No possession offence for personal use
- Prohibition notices
- Premises notices

The Psychoactive Substance Bill

- Prohibition notices can be applied to prohibited activity
- Producing, supplying, offering to supply, import / export or assisting or encouraging
- Person notice issued to is not to carry on prohibited activity
- Court Prohibition order, balance of probabilities
- Offence –summary 12 months & or fine
Indictment 2 years & or fine

The Psychoactive Substance Bill

- Premises notices
- A premises notice is a notice that requires the person to whom it is given to take all reasonable steps to prevent any prohibited activity, or a prohibited activity of a description specified in the notice, from being carried on at any premises specified in the notice that are owned, leased, occupied, controlled or operated by the person.

Current News

- acetyl-fentanyl 5- 15 times stronger than heroin
- New legal high dubbed new meow meow
- Emergency admissions caused by legal highs rise by 1460% in just three years at Welsh hospital

Questions



Thank you

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Alex Stevens

**Professor in Criminal Justice
University of Kent**

Blanket bans or targeted
interventions:

Reducing harms of NPS markets

Alex Stevens

Professor in Criminal Justice

This presentation

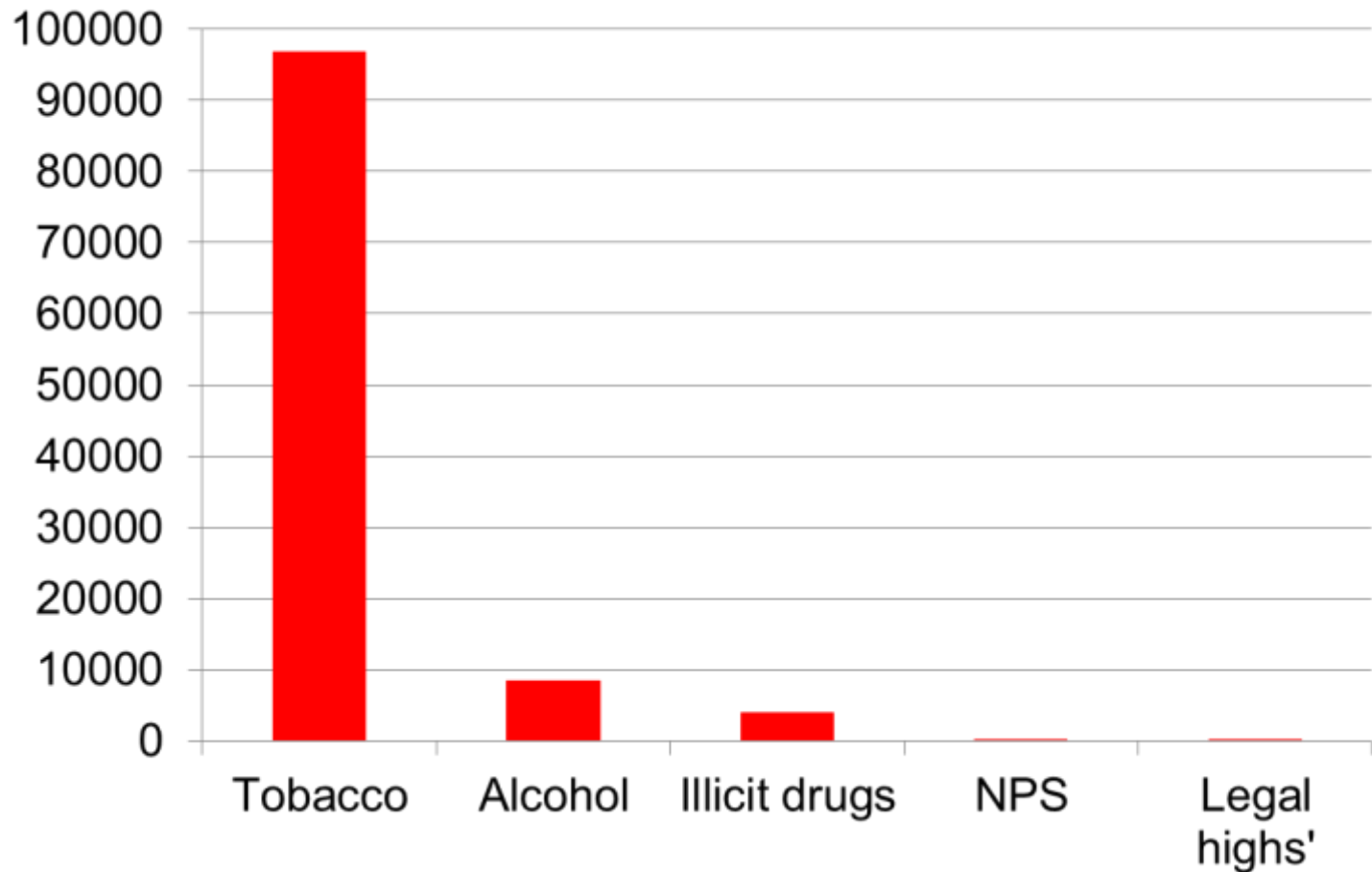
- Harms of markets for psychoactive substances
- Bearers of harms
- Methods for reducing harms
 - Untargeted bans
 - Commercial regulation
 - Targeted bans
 - Targeted deterrence
- The Psychoactive Substances Bill
 - How can it be enforced to reduce harm?

Harms of psychoactive substances

- Harms to users
 - Mortality
 - Morbidity
 - Mental illness
 - Physical ill-health
 - (Criminalisation)
- Social harms
 - Crime
 - Anti-social behaviour
 - Damage to families
 - Costs to taxpayers

Mortality from psychoactive substances

Deaths per year, UK



Harms of psychoactive substances

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Bearers of NPS harms

- Users
 - Young experimenters
 - Young vulnerable people
 - People who want to avoid drug tests
 - E.g. drivers, prisoners
 - Older, dependent, injecting drug users.
- Non- users
 - Communities near retail outlets (legal or illegal)
 - Prison staff
 - Families of harmed users.

Approaches for reducing harm

- Untargeted bans
 - E.g. prohibition
- Commercial regulation
 - E.g. alcohol and tobacco
- Targeted bans
 - E.g. Temporary Class Drug Orders
- Targeted deterrence
 - ‘Pulling levers’

Untargeted bans: Prohibition

- **Benefits**

- Reduced prevalence of use
- Leading to reductions in morbidity and mortality from use?
 - US alcohol prohibition: liver disease down; murder up.

- **Problems**

- Does not eliminate demand.
- Creates an illegal market
 - Sometimes with corruption and violence.
- Tends to increase the potency of the product
- Reduces the reliability/safety of the product.
- Can criminalise large swathes of the population
 - Often with unequal effect on the poor and ethnic minorities.

Commercial regulation

- **Benefits**

- Government can regulate price, potency and access
- Illegal market is reduced
- Valuable source of tax revenue
- Gives people freedom to choose their pleasures
- Less costly to enforce.

- **Problems**

- Increased prevalence, especially with advertising and price promotions
- Thereby increasing mortality and morbidity
 - Usually increasing health inequalities.
- High levels of secondary harm:
 - Secondary smoking
 - ‘Secondary drinking’

The New Zealand model for NPS regulation

- Psychoactive Substances Act 2013
- Banned the trade in psychoactive substances that were not already banned or regulated.
- Allowed for licensing of new psychoactive substances that can be proved to be of 'low risk'
- But:
 - No clear criteria for 'low risk'
 - Legislation followed by ban on using animal experiments to prove low risk
- So no substances have been licensed
 - In effect, a blanket ban on NPS.

Targeted bans: e.g. TCDO

- Selecting specific substances which businesses cannot legally sell.
- Benefits
 - Can reduce access and use of particularly harmful substances.
 - Substances to which users are displaced may be less harmful.
- Problems
 - Does not eliminate demand.
 - Creates an illegal market for that substance.
 - Can take time to identify and ban specific substances.

The TCDO on ethylphenidate

- Ethylphenidate: a stimulant with similar properties to methylphenidate (Ritalin).
- In 2013/14, headshops were selling it as 'Gocaine' or 'Burst'
- Alarming levels of use reported in Edinburgh
 - 6 deaths
 - Frequent, unsafe injecting
 - Abscesses, septicaemia, amputations, BBVs.
- ACMD recommended a TCDO in March 2015.
- Government introduced TCDO in April 2015.

Targeted deterrence: 'pulling levers'

- Gathering intelligence on who are the most harmful suppliers in a city/town/area.
- Making them 'an offer they cannot refuse'
 - Face punishment for their offences...
 - Or get support (e.g. treatment, housing, employment)
- Benefits:
 - Has proven effective in reducing drug supply and related harms (e.g. violence)
 - Benefits may be diffused, rather than harms being displaced.
- Problems
 - Requires investment of time in intelligence gathering and partnership development.
 - Benefits reduce when programme stops.

Examples of targeted deterrence

- Operation Ceasefire in Boston
 - Dramatic reduction in youth homicides
 - But these rose again after the partnership broke up.
- The High Point Drug Market Intervention
 - Credited with reducing visible drug sales and violence in the most violent (but not the less violent) markets in the city.
- Operation Reduction in Brighton
 - Associated with significant reductions in crime rates
 - But at least some short-term harm (e.g. temporary spike in overdose deaths).

General lessons so far

- Commercial regulation may fail to prevent harms, especially when businesses are free to maximise profit.
- Untargeted prohibition may reduce prevalence of use, but increase and displace some forms of harm (unintended consequences).
- Targeted bans and deterrence can reduce harms with fewer unintended consequences, but take time to set up and may be difficult to sustain.

The Psychoactive Substances Bill

- Rationale:
- A growing number of NPS entering the UK market.
- People supposedly using 'legal highs' because they think they are safe.
- Misuse of Drugs Act (including TCDOs and generic bans) is too slow to keep up with these new substances.
- So...

The Psychoactive Substances Bill

- The proposed solution:
- A blanket ban on trade in all previously uncontrolled psychoactive substances for human consumption, defined as:
 - Having an effect on a person's 'mental functioning or emotional state'
- Some exemptions:
 - Alcohol, tobacco, caffeine, some medicines, foods containing psychoactive substances.
- A range of civil and criminal penalties.

The Psychoactive Substances Bill

- Evidence from Ireland:

The Psychoactive Substances Bill

- Potential benefits:
 - The availability of a relatively simple mechanism to close down headshops.
 - Likely reduction in the high street trade in NPS
- Potential problems
 - Costly to prosecute, due to difficulties in proving ‘psychoactivity’.
 - May displace users to other substances (e.g. cannabis, cocaine, MDMA, alcohol)
 - Will displace buyers to the illegal market
 - Will concentrate harms of NPS among vulnerable groups (e.g. troubled young people and prisoners)

Closing head shops: a case study

- Blackburn:
 - Trading standards action against high street head shops.
 - Displaced retail to out-of-town shops and to a local Class A drug dealer.
 - He bought up headshop stock, split it into baggies, offered promotions to customers of any age.
 - Customers and runners came from the most vulnerable groups
 - Young people leaving care, prison, known to social services.

Closing question

- Will it be possible to enforce the Psychoactive Substances Act in a way that will reduce harms of NPS?
- If so, this will probably:
 - Involve targeted rather than untargeted enforcement.
 - Require sustained partnership working
 - police, trading standards, public health, social services, youth offending service, prisons, drug treatment providers, schools, probation, community rehabilitation companies, GPs, etc.
 - Use a strategy that includes harms related to all psychoactive substances (not just NPS).

THE UK'S EUROPEAN UNIVERSITY



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University of
Kent



Habib Kadiri

**Research and Information Officer
Institute of Alcohol Studies**

Alcohol purchase age limits in
Europe:
One way of tackling alcohol misuse

Habib Kadiri

Institute of Alcohol Studies, UK

Why protect young people from drinking alcohol?

“All children and adolescents have the right to grow up in an environment protected from the negative consequences of alcohol consumption and, to the extent possible, from the promotion of alcohol”

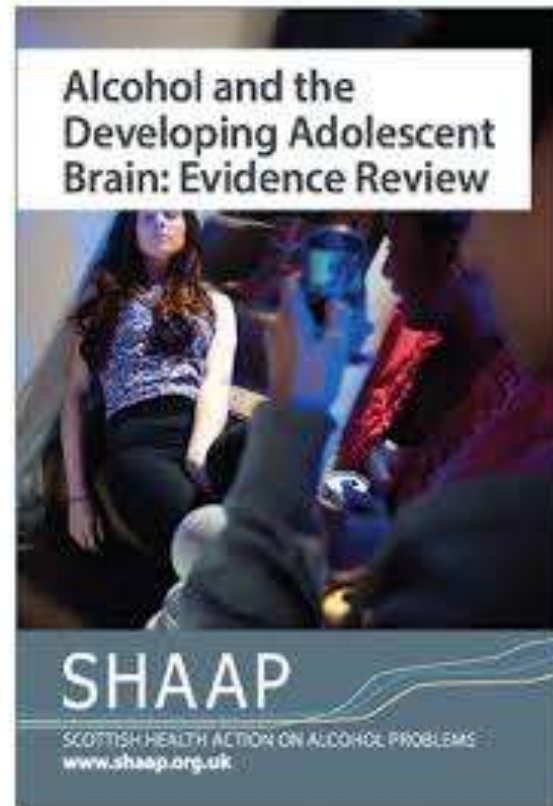
WHO European Charter on Alcohol (1995)



Risks associated with child drinking

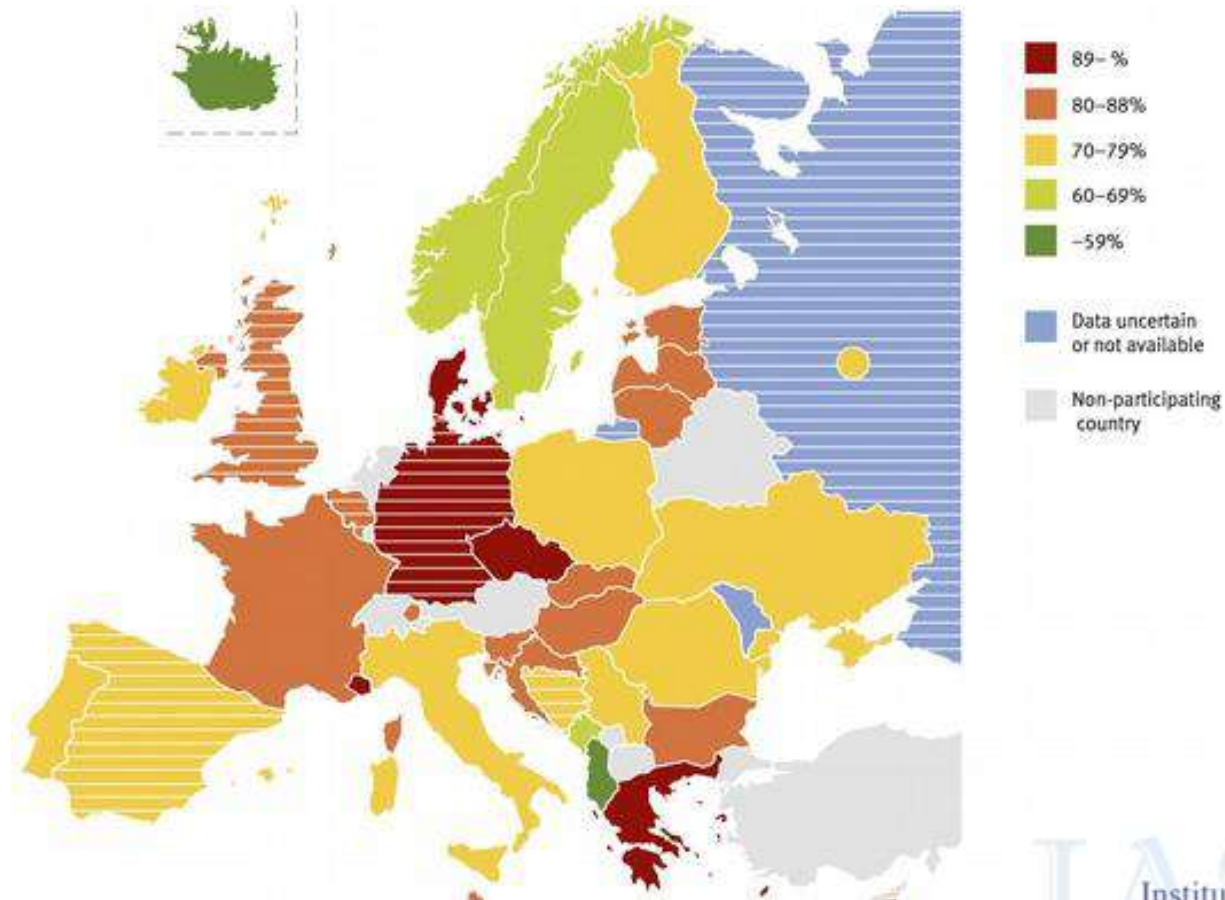
- Children who drink are at greater risk of brain damage
- Children who drink are at greater risk of developing problems with alcohol later in life, including dependency
- One-in-four deaths among 16-24 year olds alcohol related
- Young people higher risk road traffic accidents

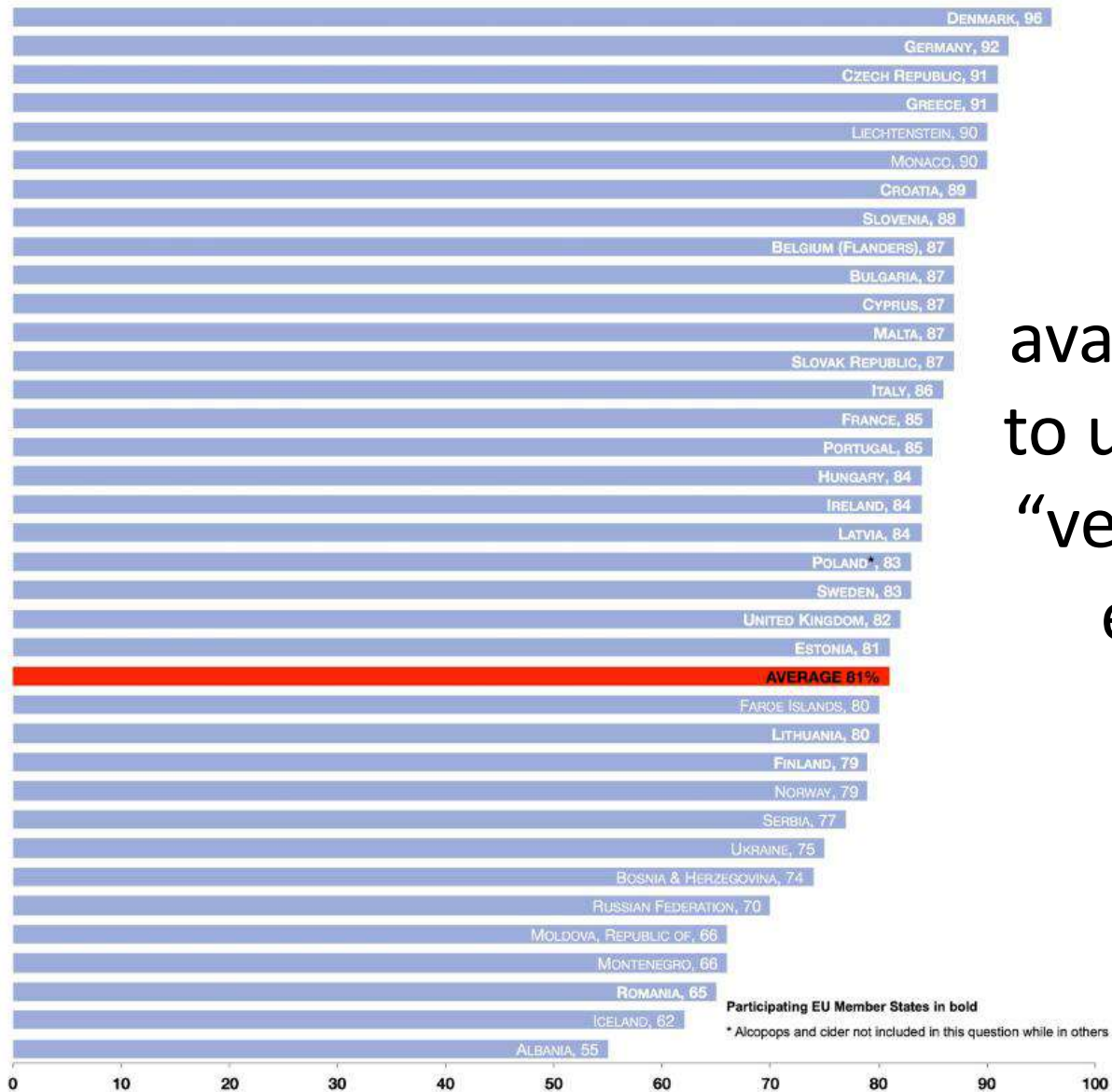
Adolescent drinking and brain damage



Underage drinking in Europe

Frequency of use of any alcoholic beverage during the last 12 months, ESPAD (2011)





% perceived availability of alcohol to underage drinkers: “very easy” or “fairly easy” to obtain

Options for action

- Raise the minimum purchase age to 18 years for all beverage categories at all sales outlets
- Mount educational and legislative efforts to increase enforcement of bans on selling alcohol to people under legal age

WHO EU Alcohol Action Plan 2012-2020

Options for action

Promote, ensure and enforce adequate level of controls in on- and off-premises particularly for legal age check:

- Use effective enforcement measures to reduce availability of alcoholic beverages to underage people
- Introduce on voluntary basis 25 years' or higher reference age for age controls
- Discussion on and exchange of best practices in CNAPA on distance sales, sales from automated tills, vending machines, and implementing automated control measures for face-to-face sales to prevent the purchase of alcohol by minors

*Action Plan on Youth Drinking and on Heavy Episodic Drinking
(2014-2016)*

Options for action cont...

Support multi-sectorial approaches to ensure compliance with national regulations:

- Deliver national information campaigns to raise awareness of national legislation among sellers of alcoholic beverages and the general public
- Promote multi-stakeholder programmes including economic operators, police, and local authorities to ensure better enforcement of age limits

*Action Plan on Youth Drinking and on Heavy Episodic Drinking
(2014-2016)*

Case study: UK minimum purchase age laws

The law:

- Minimum age limit for on-premise serving and off-premise selling is 18*
- Protection of children from harm is one of four licensing objectives

Penalties for breaking the law:

- Purchase of alcohol by a person U-18 carries a fine up to £5,000
- The sale of alcohol to underage persons is punishable by either a maximum fine of £20,000 (for persistent offenders), or suspension of a license, or a closure order

How it is enforced:

- Local authorities, including Police and retailers, work in partnership to monitor and enforce minimum purchase age laws, including test purchasing outlets suspected of illegal trading
- Challenge 25 scheme – voluntary, but participating retailers subject to test purchasing/mystery shopping by Trading Standards Authority

Outcomes?

- Ave 10,000 test purchases conducted each year in off-trade, failure rate ~13%

*Some exceptions for 16/17 eating a meal accompanied by an adult to drink beer/wine/cider/perry

Policy challenges

- Establishment of minimum purchase age important but **enforcement** is key to success
- **Cross-border discrepancies** may undermine Member State efforts to control underage drinking
- New means of access via **online/automated sales need to be subject to same level scrutiny**
- **Minimum unit pricing is still important!**

Thank you for listening.

Any questions?

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