



TO COUNCILLOR:

Mrs R H Adams
G A Boulter
Mrs L M Broadley (Chair)
F S Broadley
D M Carter

M H Charlesworth
M L Darr (Vice-Chair)
R F Eaton
Mrs L Eaton JP
D A Gamble

F S Ghattoraya
J Kaufman
Miss A Kaur
C D Kozlowski
Mrs H E Loydall

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 24 JUNE 2021** at **6.30 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
16 June 2021

Mrs Anne E Court
Chief Executive



IMPORTANT COVID-19 NOTICE

In-person Council and Committee meetings which are open to the press and public to observe have resumed from 7 May 2021 following the expiry of the Regulations that allowed local authorities to hold remote meetings.

Whilst most of these meetings will take place in the Council Chamber at the Council Offices in Wigston, it may be necessary to host a meeting at an alternative venue and/or at short notice. This will allow all attendees to maintain social distancing and follow the latest COVID-secure guidelines.

If attending an in-person meeting, all attendees must wear a face covering (unless exempt or when seated) and must sanitise their hands on entry and exit to/from the meeting venue. Meeting venue capacity will be severely restricted due to COVID-19 regulations, however there will still be opportunities for public participation in accordance with the Council's Constitution.

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ITEM NO.

AGENDA

PAGE NO'S

1. Apologies for Absence

To receive apologies for absence from Members to determine the quorum of the



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meeting in accordance with Rule 7 of Part 4 of the Constitution.

2. Appointment of Substitutes

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

3. Declarations of Interest

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

4. Minutes of the Previous Meeting

4 - 6

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

5. Action List Arising from the Previous Meeting

There was no Action List arising from the previous meeting.

6. Petitions and Deputations

To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

7. Food Service Delivery Plan 2021/22

7 - 13

Report of the Senior Environmental Health Officer / COVID-19 Lead

8. Proposed Public Space Protection Order (Nitrous Oxide) 2021

14 - 25

Report of the Anti-Social Behaviour Officer

9. Dog Warden Update (Verbal Update)

26 - 27

Report of the Regulatory Services Manager

For more information, please contact:

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Agenda Item 4

**MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD
AT THE BY REMOTE VIDEO CONFERENCE ON THURSDAY, 11 MARCH 2021
COMMENCING AT 6.00 PM**

PRESENT

Mrs L M Broadley Chair
M L Darr Vice-Chair



COUNCILLORS

Mrs R H Adams
D M Carter
M H Charlesworth
F S Ghattoraya
J Kaufman
Mrs L Kaufman
C D Kozlowski
Mrs H E Loydall

OFFICERS IN ATTENDANCE

Mrs T Aldwinckle Senior Licensing / COVID-19 Enforcement Officer
S J Ball Assistant Solicitor
Miss E Byrne Democratic Services Officer
T Cawthorne Regulatory Services Manager
Mrs P Fisher Head of Customer Service & Transformation
D M Gill Head of Law & Democracy / Monitoring Officer

8. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors G A Boulter, F S Broadley, L Eaton, R F Eaton and D A Gamble.

9. APPOINTMENT OF SUBSTITUTES

None.

10. DECLARATIONS OF INTEREST

None.

11. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 10 September 2020 be taken as read, confirmed and signed.

12. ACTION LIST ARISING FROM THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List arising from the previous meeting held on 10 September 2020 be noted.

13. PETITIONS AND DEPUTATIONS

None.

14. REVIEW OF PUBLIC SPACE PROTECTION ORDER (REGULATION OF DOGS) 2021

The Committee gave consideration to the report as set out on pages 9 – 37 of the agenda, which asked it to recommend to Full Council for approval the Public Space Protection Order (Regulation of Dogs) 2021 (as set out at Appendix 2).

A small number of typographical errors were noted for correction, along with a request for inclusion of gender-neutral references.

It was moved by Councillor J Kaufman, seconded by Councillor Mrs L Broadley and

UNANIMOUSLY RESOLVED THAT:

The Public Space Protection Order (Regulation of Dogs) 2021 be recommended to Full Council for approval.

15. REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY (MARCH 2021)

The Committee gave consideration to the report as set out on pages 39 - 107 of the agenda, which asked it to approve the revised Hackney Carriage & Private Hire Licensing Policy.

It was moved by Councillor L Darr, seconded by Councillor Mrs H E Loydall and

UNANIMOUSLY RESOLVED THAT:

- i) The revised Hackney Carriage & Private Hire Licensing Policy be approved; and**
- ii) Delegated authority be given to the Head of Law & Democracy, following consultation with the Chair, to consider any consultation responses received between the date of the meeting and the close of consultation at midday on 16 March 2021 and to make any consequent amendments to the Policy accordingly.**

THE MEETING CLOSED AT 6.59 PM



Chair

Thursday, 24 June 2021

Agenda Item 7



Licensing and Regulatory Committee	Thursday, 24 June 2021	Matter for Information
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Report Title:

Food Service Delivery Plan 2021/22

Report Author(s):

**Jon Wells (Senior Environmental Health
Officer / COVID 19 Lead)**

Purpose of Report:	To highlight the plan for delivering the Food Service for the current year.
Report Summary:	The Food Service is an important element of our Environmental Health work. The report sets out a plan for delivering this service, which includes the roadmap for recovery of planned interventions following the pandemic and the approach to prioritising our work to ensure our resources, are focussed on where they add greatest value in safeguarding consumers.
Recommendation(s):	That the content of the report and appendix be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Jon Wells (Senior Environmental Health Officer / COVID 19 Lead) (0116) 257 2692 jon.wells@oadby-wigston.gov.uk
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3) Growing the Borough Economically (CO2)
Vision and Values:	"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6) Failure to Respond to a Significant Incident (CR7) Decreasing Financial Resources / Increasing Financial Pressures (CR1) Political Dynamics (CR3)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report.

Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • None
Background Papers:	<ul style="list-style-type: none"> • Food Standards Agency (FSA) FSA 21/05/21 Local Authority Recovery Roadmap.
Appendices:	1. Food Service Delivery Plan 2021/22.

1. Background and context

- 1.1 Prior to the pandemic, Local Authorities were expected to undertake all official controls and related activities to ensure food outlets were complying with food hygiene and food standards. During the pandemic however, expectations were adjusted. This was in recognition of the challenges faced in delivering statutory food functions whilst having to prioritise protecting communities from COVID-19. It also reflected the changing business landscape, with many food businesses closing or changing operations. Scarce resources were therefore targeted at the most high-risk establishments while deferring planned interventions, particularly for low risk premises.
- 1.2 The Food Standards Agency (hereafter FSA) have now developed proposals for recovery of planned interventions and other food related activities. The Food Service Delivery Plan 20121/22 (hereafter FSDP) therefore takes account of this advice and the following points:
- Numbers of 'new' food businesses have significantly increased and although some may never have started trading and others will have ceased, the risks associated with them remain largely unknown.
 - Some existing businesses may have changed hands while others may start up to capitalise on potential additional trade this year.
 - Existing businesses are gradually re-opening, many after prolonged closure, as restrictions in the hospitality sector are lifted, while others will continue to diversify activities to adapt to ongoing changes in the market.
 - The highest risk establishments, which represent a relatively small proportion of the total number of establishments, may have missed one or two planned interventions.
 - Our resources have been diverted during the pandemic to activities relating to reducing the spread of COVID 19.
 - We are receiving reports anecdotally that in some cases hygiene standards have reduced since the onset of the pandemic.

2. The Food Service Delivery Plan 2021/22

- 2.1 This years FSDP has been produced having regard for the advice from the FSA, the profile of establishments across the various risk categories, levels of compliance and typical percentage of premises inspected last year and will,
- Create capacity in the food team by retuning diverted resources back and recruiting for an additional Environmental Health Officer.
 - Ensure we can identify and focus on businesses that are trading.
 - Revert to the inspection frequencies for those premises posing the greatest risk to public health.
 - Identify where risks have changed through assessment of intelligence.
 - Improve hygiene and standards compliance and reduce risks by focussing activity where non-compliance is identified.
 - Ensure routine operation of the Food Hygiene Rating System (FHRS).
- 2.2 The FHRS is used to provide a snapshot of the standards of food hygiene found at the time of a premises inspection by an Environmental Health Officer. It is designed to help people choose where to eat or shop for food. It is the responsibility of the business to comply with food hygiene law at all times.
- 2.3 The FSDP can be found at Appendix 1 where the detail of all the key work areas and performance metrics along with the current profile of food businesses and compliance levels is contained. To achieve the ambitions set out it is critical that the vacant Environmental Health Officer post is in place by September 2021.

Appendix 1

FOOD SERVICE DELIVERY PLAN 2021/22

1. Introduction

The Council recognises the important role it plays in securing the safety of food consumed in the Borough. This plan's key focus is to demonstrate how the Council will fulfil its statutory obligations and duties in relation to food safety.

The stated aim of the Food Standards Agency is to ensure that food law enforcement is undertaken by the various agencies in a more effective, comprehensive and collaborative manner. This Food Safety Service Plan sets out to achieve these objectives.

Underpinning our Food Safety Service is the ethos on ensuring we are delivering services to all communities equitably, proportionally and consistently, taking account of the personal beliefs, race, age, disability, gender and sexuality of all our customers.

2. Service aims

The Food and Health & Safety Team aims to **provide a food safety service in Oadby and Wigston Borough Council, to the public and businesses alike, that is equitable, proportional, consistent, helpful, open and takes into account equality issues.**

It intends to ensure the interests of consumers in relation to food are protected and ensure food is safe, food is what it says it is, consumers can make informed choices about what to eat and where.

3. Key priorities

- 3.1 To put the consumer first in everything we do.
- 3.2 To ensure that interventions are carried out commensurate with the principles of risk, at food premises within the district, ensuring compliance with the relevant food laws.
- 3.3 To ensure as far as reasonably practicable, that imported food used or sold in premises within the Borough complies with all relevant Food Law.
- 3.4 To ensure as far as reasonably practicable, that no illegally produced food is used or sold in premises within the Borough e.g. meat or meat products from unauthorised premises.
- 3.5 To ensure food complaints are investigated.
- 3.6 To continue to develop partnerships with small local businesses and larger national companies based in our area, which will help to provide consistent and proportional advice on food safety issues at both local and national levels.
- 3.7 To undertake a food sampling regime based on local and national priorities.
- 3.8 To provide informed and helpful advice to businesses and the public alike on matters relating to food safety.

- 3.9 To act on food safety alerts promptly and in a manner that is proportionate to the risks involved.
- 3.10 To play a key role in developing innovative ways that enable, motivate, educate and inform members of the public of matters relating to food safety.
- 3.11 To provide help, advice and support to consumers to protect health and promote healthier lifestyles and consumer choice.
- 3.12 To review the way we deliver our food service annually that takes into account recognised performance targets and standards.

4. Links to Corporate Plan

Seizing on the Council’s Corporate Plan (2019-2024), the Food Service will ensure it delivers an excellent service, one where communities and customers are protected and put first; where businesses are supported to improve and comply and be the best they can, while also striving for continuous improvement through innovation.

5. Factors likely to impact on the delivery of the Food Service 2021/22

- 5.1 Changes in the way in which Food Safety is delivered should the Food Standards Agency revise or alter the future regulation and compliance programme.
- 5.2 Implementation of any agile working solution
- 5.3 A review of our working procedures
- 5.4 The successful and timely recruitment to the Environmental Health Officer post
- 5.5 Demands from other Environmental Health work areas for example those arising as part of the COVID recovery route map

6. Service delivery action plan

Work activity	Ongoing work	Performance measure	Timescale
Interventions	Prioritise inspections as follows: <ol style="list-style-type: none"> 1. new businesses, 2. those businesses in Category A and B that are overdue from 2020/21, 3. non-compliant category C premises 	Complete 100% of inspections by year end Increase percentage of 'broadly compliant' (those with a FHS of 3 and above) to 90% Reduce the number of outstanding	March 2022

	4. those non-complaint businesses where enforcement action is required 5. businesses who are the worst performers	inspections from the previous year to 10	
Food and premises complaints	Investigate all food and premises complaints	To respond to all food and premises complaints within 5 working days	March 2022
Provision of advice to businesses and other service users	Respond to all requests	Respond to all such requests within 5 working days	March 2022
Food poisoning and outbreak investigations	Undertake all food poisoning or outbreak notifications received	Respond to all such request within 1 working day	March 2022
Food safety incidents	Respond to food alerts issued by the FSA	Respond in accordance with FSA guidance	March 2022
Food Safety promotion and education	Review all documentation, train officers	Complete the procedures review and implement updates	March 2022
Explore new ways of working to ensure productivity increases	Explore/implement agile working initiatives such as providing online letters, linking electronic documents and implement mobile working devices	Back office business system implemented Complete review of procedures to reduce administrative burden and provide more cost effective and productive service	March 2022

7. Profile of food businesses and compliance levels (as May 2021)

Table 1 Profile of food businesses	Numbers of food businesses
Total food businesses	485
Unrated/new businesses	64
Category A premises (those requiring an inspection every 6 months)	1

Category B premises (those requiring an inspection every 12 months)	13
Category C premises (those requiring an inspection every 18 months)	66
Category D premises (those requiring an inspection every 24 months)	212
Category E premises (those requiring an inspection every 36 months)	193

Table 2 Compliance levels of food businesses	Numbers of food businesses
Non-compliant with urgent improvement required (graded 0 on the FHRS)	3
Non-compliant where major improvement is necessary (graded 1 on the FHRS)	6
Non-compliant where some improvement is necessary (graded 2 on the FHRS)	4
Satisfactory (graded 3 on the FHRS)	19
Good (graded 4 on the FHRS)	33
Very good (graded 5 on the FHRS)	239

Agenda Item 8



Licensing and Regulatory Committee	Thursday, 24 June 2021	Matter for Information and Decision
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Report Title: **Proposed Public Space Protection Order
(Nitrous Oxide) 2021**

Report Author(s): **Thomas MacCabe (Anti-Social Behaviour Officer)**

Purpose of Report:	To inform the Committee of the outcome of the public consultation and the evidence supporting the implementation of the proposed Public Space Protection Order (PSPO) to control the possession of nitrous oxide.
Report Summary:	The report outlines that within the Borough, there is clear indication of the recreational use of nitrous oxide, which has caused and will continue to cause harassment, alarm and distress if allowed to go unchecked.
Recommendation(s):	A. That the content of the report and appendices be noted; and B. That the Committee recommend to Full Council approval of the draft Public Space Protection Order (as set out at Appendix 1).
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Andrew Dingley (Community & Wellbeing Manager) (0116) 257 2651 andrew.dingley@oadby-wigston.gov.uk Thomas Maccabe (Anti-Social Behaviour Officer) (0116) 257 2611 thomas.maccabe@oadby-wigston.gov.uk
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
Vision and Values:	Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)
Report Implications:-	
Legal:	Under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), a PSPO cannot have effect for more than three years, unless extended under section 60(2) of the Act. This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the PSPO. The

	Act also sets out a number of additional requirements for consultation and communication before a PSPO can be introduced, once it is implemented and where it is extended, varied or discharged. PSPO's can be legally challenged under the Act on certain grounds.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	No corporate risk(s) identified
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report.
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • Leicestershire Police • Public Consultation (Running from 7 May - 18 June)
Background Papers:	<ul style="list-style-type: none"> • 'Public Spaces Protection Orders: Guidance for Councils' - Local Government Association, Published February 2018
Appendices:	<ol style="list-style-type: none"> 1. Draft Public Space Protection Order(Nitrous Oxide) 2021 2. Results from Consultation up until 3 June 2021

1. Background and Discussions

- 1.1 Nitrous oxide, also known as, 'laughing gas', is a substance with a number of legitimate uses in medicine and catering. It is also the second most popular recreational drug amongst young people, with 7.6% of 16-24 year olds responding to the 2013/14 Crime Survey for England and Wales reporting nitrous oxide use in the previous year. When inhaled, this substance can make users feel euphoric and relaxed, with some reporting hallucinations.
- 1.2 It is a medical gas (a medicinal product) and, mixed with oxygen, is used to treat analgesia and as an anaesthetic. Use as a medicinal product typically involves large cylinders containing the gases, which are administered to the patient using a facemask in a variety of settings such as hospitals, dental surgeries and by ambulance crews.
- 1.3 Nitrous oxide is also an approved food additive (E942) when used as a propellant for whipped cream. While there are no provisions in food additives legislation, which would provide a basis for seizing nitrous oxide, there, are a number of other enforcement options.
- 1.4 Nitrous oxide is also used in vehicle engines.
- 1.5 Nitrous oxide is now being used recreationally in a number of settings such as clubs, private residences and parks, and is particularly prevalent at music festivals. It is commonly sold in small metal canisters containing the gas, which is then either transferred into a balloon for

inhalation using a dispenser or a 'cracker' These small metal canisters are sold in bulk online and presented for use as a whipped cream propellant.

- 1.6 Inhaling nitrous oxide can be dangerous, and can lead to loss of blood pressure, fainting and even heart attack. Prolonged exposure to nitrous oxide may also result in bone marrow suppression and poisoning of the central nervous system. These risks are likely to be exacerbated if the exposure to the gas is combined with alcohol or other drugs.
- 1.7 The legislation on the use of nitrous oxide is contained within The Psychoactive Substances Act 2016. Section 5 of The Act makes it an offence to supply or offer to supply a psychoactive substance to another person. It is not an offence to possess or use nitrous oxide.
- 1.8 The use of nitrous oxide presents challenges to three main agencies: health services in relation to the harmful effect of the substance's use; the Police in terms of the supply of the substance and associated behaviours; and the Council in terms of littering through the discarding of spent canisters, seen by many communities as being associated with criminal activity.
- 1.9 The Council's ability to respond to the use of nitrous oxide revolves around users who will regularly throw the canister away immediately after its use, thereby committing a litter offence. The volume of litter, combined with the highly visible nature of the discarded canisters has a significant impact on the public's perception of safety within an area, making it a signal crime (defined as any criminal incident that causes change in the public's behaviour and/or beliefs about their security).
- 1.10 Currently, where a canister is seen to be discarded by an authorised Officer, Police and Community Support Officers, the Officer is empowered to issue a fixed penalty notice for litter. The reality is that the modus operandi around the use of the nitrous oxide is not conducive to this type of enforcement being effective. Where evidence of a litter offence is recorded on CCTV, the environmental health team will conduct a proportionate investigation, which will lead to an appropriate level of sanction (i.e. no further action, caution, fixed penalty ticket or court appearance).
- 1.11 Where an authorised Officer, Police or Community Support Officer becomes aware that an individual may be in possession of nitrous oxide canisters currently no legal power exists that permits confiscation of the canisters.

2. Evidence

- 2.1 It is clear that local residents in the Borough are concerned with the use of nitrous oxide. Reports have been received both by the Council and by Police either concerning the use of the substance, or metal canisters left discarded in public places. The following evidence taken from Council and Policing systems highlights the extent of the issue.
- 2.2 The Council created 12 separate anti-social behaviour reports from April 2020 to March 2021 relating to the use of nitrous oxide. The table below lists the different locations and in what month and year the report was created.

Year/Month	Road Name	Town
2020/04	ROSEMEAD DRIVE	OADBY
2020/06	COOMBE RISE	OADBY
2020/06	COOMBE RISE	OADBY
2020/06	UPLANDS ROAD	OADBY

2020/07	BRIGHTON CLOSE	WIGSTON
2020/07	COOMBE RISE	OADBY
2020/07	HALF MOON CRESCENT	OADBY
2020/07	HAMBLE ROAD	OADBY
2020/07	QUICKTHORNS	OADBY
2020/08	QUICKTHORNS	OADBY
2020/11	UPLANDS ROAD	OADBY
2021/03	KNIGHTON RISE	OADBY

- 2.3 The use of nitrous oxide attracted other issues to the locations, which included groups meeting in cars and playing loud music at unreasonable times, the use of cannabis and littering. Due to the specific problems this was causing at Coombe Park on Coombe Rise in Oadby, a local volunteer offered their service to lock the park gate in the evening, preventing vehicle access to the park.
- 2.4 The Police created a Problem Solving Plan in June 2020 to try to tackle the use of nitrous oxide in the borough because when lockdown restrictions due to COVID 19 were lifted in 2020 they saw a rise in reports for both the use of nitrous oxide and the canisters discarded in public spaces.
- 2.5 The Problem Solving Plan allowed Officers to document the hot-spot areas as well as any proactive work undertaken. Through consultations with residents who had phoned the Police, it was clear that members of the public felt intimidated when seeing groups of people using nitrous oxide, which often coincided with the same group using cannabis and leaving graffiti. Through further investigations, attending incidents and stop checks, the Police discovered that the majority of those who had been using nitrous oxide in the Borough were in fact local residents, with a small number of people travelling elsewhere from Leicester into the Borough. These were mainly males aged 16-25 years.
- 2.6 The Police highlighted several locations where either phone calls were received reporting the use of nitrous oxide or Officers had identified locations whilst undertaking proactive patrolling. The locations identified are listed below:

Location	Road Name	Town
BLABY ROAD PARK	BLABY ROAD	SOUTH WIGSTON
WILLIAM GUNNING PARK	GLOUCESTER CRESCENT	SOUTH WIGSTON
CAR PARK	WINDLASS DRIVE	SOUTH WIGSTON
CAR PARK	KIRKDALE ROAD	SOUTH WIGSTON
CAR PARK	COUNTTESTHORPE ROAD	SOUTH WIGSTON
COOMBE PARK	COOMBE RISE	OADBY
CAR PARK'S	ST PAULS CLOSE	OADBY
ASDA CAR PARK	LEICESTER ROAD	OADBY
CAR PARK'S	HAYDEN AVENUE	OADBY

CAR PARK'S	BEAUMANT STREET	OADBY
STREET	BRIAR MEADS	OADBY
UPLANDS PARK	UPLANDS ROADS	OADBY

- 2.7 Officers gave consideration to various tools and tactics that could be used to deter the use of nitrous oxide and have worked closely with stakeholders. This included working with staff at Asda in Oadby who have often received verbal abuse when asking those using nitrous oxide on the premise to leave. Staff at Asda have discovered perpetrators in vehicles parked on their lower ground car park using the psychoactive substance and working jointly with Police, have erected signs giving an initial warning to those using a vehicle in a manner that is likely to cause harassment, alarm or distress, which includes using nitrous oxide within the vehicle.
- 2.8 Under the Road Traffic Act, Officers have also utilised serving Section 59 Notice's to individuals using nitrous oxide whilst in a vehicle. If a second Notice is served, the vehicle can then be seized.
- 2.9 On 31 May 2020, a male was served a first Section 59 Notice for using nitrous oxide whilst in a vehicle parked in a small residential car park on Hayden Avenue in Oadby.
- 2.10 On 17 June 2020, Officers stop checked three males in three different vehicles who had met at the Asda car park. A box of nitrous oxide canisters were voluntarily handed over by one male, and all three served Section 59 Notices.
- 2.11 A Section 59 Notice was served on a male on 30 June 2020 whilst at Parklands car park in Oadby after Officers searched his vehicle and discovered nitrous oxide canisters.
- 2.12 The Problem Solving Plan was updated frequently with Officers attending live incidents in relation to the use of nitrous oxide, or patrolling hotspot locations. Through this, Officers discovered other areas in the borough where nitrous oxide canisters were also being discarded. These areas included Brighton Close, Cooks Lane and a small car park located next to Subway on Leicester Road all in Wigston, Dorset Avenue in South Wigston and the car park located behind The Parade, just off Brooksby Drive in Oadby. After a consultation with business owners on the Oadby industrial estate, feedback was received that nitrous oxide canisters were also found to be left there. As such, all locations were added to the Problem Solving Plan for Officers to complete proactive patrols. Business owners and staff located in the Oadby industrial estate, after being encouraged by Officers to report incidents into the Police at the time did so. This included two phone calls in August 2020 where registration numbers for vehicles were passed after the occupants were seen to discard nitrous oxide canisters.
- 2.13 The Problem Solving Plan evidenced 3 months' worth of actions, and was closed in September 2020. Officers concluded that they had seen a reduction in phone calls from residents reporting the problem, and a reduction in discarded canisters seen in hotspot locations. It was however difficult to measure how successful the plan was due to the uncertainty of displacement, and simply moving the perpetrators from one location to another.

3. Proposed PSPO

- 3.1 A PSPO can be put in place to deal with a particular nuisance in a particular area that is having a detrimental effect on the quality of life for those in the local community. It can prohibit certain things or require specific things to be done. It is proposed that enforcement of the PSPO will be Borough wide.

- 3.2 Members will be aware that the Local Policing Unit also covers the administrative area of Harborough District Council. The misuse of nitrous oxide for recreational use is a similar issue in that district also and it is the intention that both authorities will approve a PSPO in similar terms in order to ensure that the officers of the local LPU will have clarity about their powers across the whole of the LPU area.
- 3.3 The PSPO's will provide that the consumption/possession of nitrous oxide canisters will constitute an offence for any person, when requested by an authorised officer, not to surrender the item(s). A draft of the proposed PSPO is attached at Appendix 1.

4. Public Consultation

- 4.1 The PSPO went to public consultation on 7 May 2021, and ends 18 June 2021. This has been promoted on the Council's social media accounts, and Neighbourhood Link which is a social media platform controlled by the Police control and which reaches 2002 residents in the Borough as well as in schools.
- 4.2 A report setting out the full results of the public consultation on the proposed PSPO will be presented to Full Council on 13 July 2021 along with this Committee's recommendation.
- 4.3 At the time of writing this report, the council had received 148 consultation responses of which 115 were in favour of the introduction of the PSPO. A synopsis of the responses to the consultation questions is attached at Appendix 2 for members information.

OADBY AND WIGSTON BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER NO 1 OF 2021 – PSYCHOACTIVE SUBSTANCES, E.G. NITROUS OXIDE

The Anti-Social Behaviour Crime and Policing Act 2014

1. WHEREAS Oadby and Wigston Borough Council ("the Council") is satisfied that the requirements of sections 59 and 72 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") have been satisfied and that it is, in all the circumstances, appropriate to make this Order.
2. WHEREAS the Council is satisfied that activities have been and will continue to be carried out in the RESTRICTED AREA, referred to below which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such activities being the consumption of psychoactive substances, e.g. nitrous oxide, leading to anti-social behaviour, likely to cause harassment, alarm, distress, nuisance or annoyance.
3. WHEREAS the Council is satisfied that the effect of the activities is, or is likely to be, of a persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed by this Order.
4. WHEREAS the Council is satisfied that the prohibitions imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
5. WHEREAS the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights and Equality Act 2010.
6. THE COUNCIL MAKES the following Order in exercise of its powers under section 59, 60 & 61 of the Act.
7. This Order may be cited as Oadby and Wigston Borough Council (Psychoactive Substances, e.g. Nitrous Oxide) Public Spaces Protection Order No.1 of 2021 ("the Order"). This Order takes effect on the **(date)** and continues to have effect for a period of three years thereafter until **(date)**.
8. This Order applies to the land described in the Schedule below ("RESTRICTED AREA") and which is shown edged black on the attached plan ("the Order plan").
9. This Order applies to all persons in public places within the RESTRICTED AREA at all times of the day and night, save on where otherwise stated within the prohibitions.

10. This Order applies to the land described in the Schedule 1 below ("The Restricted Area), i.e. all public spaces within Oadby and Wigston, as set out on the Order Plan and which is shown edged black on the attached plan ("the Order plan").

11. PROHIBITIONS

- a) **Person(s) within the Restricted Area will not:**
Ingest, inhale, inject, smoke, possess or otherwise use psychoactive substances (e.g. nitrous oxide) and which is causing or likely to cause harassment, alarm, distress, nuisance or annoyance to members of the public.
- b) **Meaning of "psychoactive substance" etc**
"Psychoactive substance" means any substance, which is capable of producing a psychoactive effect in a person who consumes it and is not an exempted substance. For the purposes of this prohibition 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.
- c) For the purposes of this prohibition 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. Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are foodstuffs regulated by food health and safety legislation.
- d) Persons within this area who breach this prohibition shall surrender any psychoactive substances (e.g. nitrous oxide) in his/her possession to an authorised person. An authorised person could be a police constable, Police Community Support Officer or authorised person designated by Oadby and Wigston Borough Council and must be able to present their authority upon request.

12. OFFENCE AND PENALTY

- a) Any person who, without reasonable excuse, fails to comply with the prohibitions in a-d above commits an offence.
- b) Any person who is guilty of an offence under prohibitions a-d of the Order shall be liable to summary conviction to a fine not exceeding level 3 on the standard scale.

13. ENFORCEMENT

- a) The Order shall be enforced by Police Constables, Police Community Support Officers and authorised persons designated by Oadby and Wigston Borough Council.
- b) A Police Constable, Police Community Support Officer or authorised person designated by Oadby and Wigston Borough Council may issue a

fixed penalty notice (FPN) to anyone they believe has committed an offence.

- c) A person committing an offence will have 14 days to pay the fixed penalty of £100.00, failing which you may be prosecuted. No further proceedings will be taken against you before the expiration of 14 days following the date of the FPN.
- d) A Police Constable, Police Community Support Officer or authorised person designated by Oadby and Wigston Borough Council may dispose of anything surrendered to him or her as a result of a requirement imposed by them in whatever way they think is appropriate.
- e) A Police Constable, Police Community Support Officer or authorised person designated by Oadby and Wigston Borough Council may take other necessary and proportionate enforcement action in reference to the Borough's Anti-Social Behaviour Policy. This may include referral to support services, low-level enforcement or referral to court action.

14. APPEALS

In accordance with Section 66 of the Act, any challenge to this order must be made in the High Court by any interested person within 6 weeks of it being made. An Interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the council. Interested persons can challenge the validity of this order on two grounds: That the council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance, consultation has not been complied with when an application is made, the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

- 15. For the purposes of this Order, 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

IN WITNESS WHEREOF THE COMMON SEAL OF
THE MAYOR OF THE COUNCIL

Schedule 1

Oadby and Wigston PSPO Area



1:37,500

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Restricted Zone Marked in Red

OADBY AND WIGSTON BOROUGH COUNCIL

Public Spaces Protection Orders. Anti-Social Behaviour Crime and Policing Act 2014.

OFFICER AUTHORITY

(Name of Authorised Officer)

Is hereby authorised to enforce the Oadby and Wigston Borough Council (Psychoactive Substances, e.g. Nitrous Oxide) Public Spaces Protection Order No.1 of 2021

This authorisation is issued under Part 3 – Section 6- Scheme of Delegation to Officers – Paragraph 1.5.24 .

Signed:

Name:

Designation: Head of Law and Democracy

Date: [INSERT DATE] 2021

Appendix 2

	Do you think there is a problem with nitrous oxide in the borough?
Yes	68.92%
No	2.7%
Don't know	28.38%

	Have you seen evidence of nitrous oxide being used in the borough?
Yes	78.38%
No	21.62%

	Do you believe a PSPO is necessary to tackle the problem in the borough?
Yes	77.7%
No	5.41%
Don't know	16.89%

	Do you believe the PSPO should be borough wide?
Yes	89.19%
No	10.81%

Oadby and Wigston Patrolling spreadsheet for Q4 2020/21

Tuesday 5th January 2021

I visited lots of parks in the Oadby district today, the weather was very cold and there were not many people around, maybe due to the start of the national lockdown. The main issues today were that many of the bins were full, this may be due to the Christmas period. The bin on Pochin Close was fine but there were used poo bags behind the bin and there was also rubbish on the ground.

Thursday 7th January 2021

I did an early patrol on the 7th January 2021 to see if I could see if Mr. XXX out with his dogs and whether they were on lead with muzzles on. I parked near the school and watched him enter the park by his usual route at 7:45am and then I drove around and parked in Coombe Park. I walked down the pathway at the back of the school and waited near the bottom of the pathway. Unfortunately I miss timed this and left my position behind one of the trees to walk further down not realising he was on the way back up by the side of the brook and the trees and he saw me. Mr. XXXX grabbed the dogs and headed in the opposite direction. He was too far away to be able to see properly because of the fog. I went back to the van and caught up with him back on the corner just as he was crossing the road. Both dogs were on lead and wearing muzzles at this point.

The bins were full at the top of Cleveland Road but the pathways were ok. There was some fouling in the alley next to no 19 when I patrolled around Pochin Close/Gas Lane Path.

Monday 11th January 2021 – 10:00am to 13:00pm

Today was quiet mainly due to the weather. The bin on the roundabout at Guthlaxton was overflowing, this is opposite Wigston Cemetery. The bins at the cemetery was also full and in need of emptying.

Thursday 14th January 2021 – 08:00am to 11:00am

The weather on Thursday was terrible with heavy rain. I did spend the early part of my patrolling trying to see Mr XXXX but the pathway was waterlogged and no sign of Mr XXXX. The bins at the bottom of Washbrook Lane and around the corner on Wigston Lane are all desperate to be emptied. Two trolleys had been abandoned at the entrance of Iliffe Park. No issues with any walkers, most people seem to be adhering to the lockdown rules and using the parks sensibly.

Jan-21	Patrolling		Date	Time on Site	Time Off	Comments
	Uplands Park	Oadby	20.01.2021	13:55	14:55	Park very quiet due to the storm, no issues.
	Chicken Alley London Road	Oadby	20.01.2021	14:57	15:09	Some fouling evidenced will redo stencilling when possible
	Coombe Park	Oadby	20.01.2021	15:17	15:18	Park quiet, windy and rainy, bins ok.
	Coombe Park/Howden Road	Oadby	20.01.2021	15:45	15:47	Bins on Coombe Rise (bus stop) and Howden Road (corner) full.
	Brocks Hill Park	Oadby	20.01.2021	15:53	16:24	No issues spoke with dog walkers.
	St Peters Pathway	Oadby	20.01.2021	16:27	-	Path needs stencilling again when weather improves.
	St Peters Churchyard	Oadby	20.01.2021	-	16:55	Churchyard ok. Bins ok.

Manor Street	Wigston	22.01.2021	08:04	08:43	Checked previous stencils; will stencil later in the shift when the from has cleared.
Willow Park	Wigston	22.01.2021	08:45	09:13	Very quiet.
Mere Walk	Wigston	22.01.2021	09:20	09:55	Stencilled
Harrington Road	Wigston	22.01.2021	09:55	10:03	Stencilled
Manor Street	Wigston	22.01.2021	10:09	10:23	Stencilled
Shackerdale Road	Wigston	22.01.2021	10:27	10:35	Stencilled
Gas Lane/Pochin Close	Wigston	22.01.2021	10:42	11:01	Bin full and fouling on path between houses.
Two Steeples play area	Wigston	22.01.2021	11:03	11:08	Park on bin full.

Feb-21 No patrols were undertaken between the weeks commencing 25/1/21 to 8/3/11 due to staffing issues. However our ability to undertake our statutory duty for dog collection was not affected during this time

Mar-21

		Date	Time on Site	Time Off	Comments
Patrolling		Date	Time on Site	Time Off	Comments
Brocks Hill Park	Oadby	18.03.2021	06:56	08:38	Follow up on report of dog attack. Spoke with ladies involved regarding safety with other dogs.
27 Kenilworth Road	Oadby	18.03.2021	08:41	08:46	Stencilling.
St Peters Pathway	Oadby	18.03.2021	08:53	09:07	Stencilling. Bin at the bottom of the path full at top of path empty. 2 discarded bags on floor near bin.
Peace Memorial	Wigston	18.03.2021	09:15	10:05	Spoke with park users no issues
Blaby Road Park	Wigston	19.03.2021	11:35	12:20	Raining, not much to see grass been cut.
Pochin Close/Gas Lane	Wigston	19.03.2021	12:29	13:08	No fouling bin has been emptied but multiple bags on floor near barn.
Littlehill School	Wigston	19.03.2021	13:10	13:12	Bin opposite school full no other issues.
Cleveland Road	Wigston	19.03.2021	13:27	13:53	Bin full no fouling seen.
Wigston Cemetary	Wigston	19.03.2021	13:59	14:41	No issues. Funeral in progress.
Willow Park	Wigston	30.03.2021	14:02	14:30	Park very busy 2 of the bins quite full but otherwise no issues
166 Mere Road	Wigston	30.03.2021	14:38	14:58	Stencilling
21 Grange Road	Wigston	30.03.2021	15:05	15:11	Stencilling
Wigston Cemetary	Wigston	30.03.2021	15:17	15:47	Asked a lady to put her dog on lead; dogs not allowed off lead in the cemetary.
Horsewell Park	Wigston	30.03.2021	15:54	16:20	Park busy but all bins ok.
Blaby Road Park	Wigston	30.03.2021	16:58	17:01	Park very busy all bins ok. No issues seen.