



**TO COUNCILLOR:**

Mrs R H Adams (Deputy Mayor)  
N Alam  
L A Bentley  
G A Boulter  
J W Boyce  
Mrs L M Bradley  
F S Broadley  
D M Carter  
M H Charlesworth

M L Darr  
R F Eaton  
Mrs L Eaton JP  
D A Gamble  
F S Ghattoraya  
Mrs S Z Haq  
Miss P V Joshi  
J Kaufman  
Mrs L Kaufman (Mayor)

Miss A Kaur  
Ms C D Kozlowski  
Mrs H E Loydall  
K J Loydall  
D W Loydall  
Mrs S B Morris  
R E R Morris  
Dr I K Ridley

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **FULL COUNCIL** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 13 JULY 2021** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**05 July 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.

Where the necessary technology is available and working, the press and public may still be able to watch the live streams of meetings without having to attend in-person. Instructions on how to access live streams can be found below where applicable. At a minimum, audio recordings of meetings will be made available on the Council's website shortly after any given meeting.

Cont'd



**Postal Address:** Council Offices, Station Road, Wigston, Leicestershire LE18 2DR

**Refuse & Recycling Centre:** The Depot, Wigston Road, Oadby, Leicestershire LE2 5JE

**Tel:** (0116) 288 8961 **Fax:** (0116) 288 7828 **Email:** [csc@oadby-wigston.gov.uk](mailto:csc@oadby-wigston.gov.uk)

[www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)

OadbyWigstonBC

@Oadby\_Wigston

**Live Stream of Meeting | Instructions**

**This meeting will be live streamed.**

**Press & Public Access:****YouTube Live Stream**

A direct link to the live stream of the meeting's proceedings on the Council's YouTube Channel is below.

<https://youtu.be/ehbeYJIYmfg>

**1. Calling to Order of the Meeting**

The meeting of the Council will be called to order to receive Her Worship The Mayor and Deputy Mayor.

**2. Apologies for Absence**

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

**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****5 - 8**

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. Motions on Notice**

To consider any Motions on Notice in accordance with Rule 14 of Part 4 of the Constitution.

**7. Petitions, Deputations and Questions**

To receive any Petitions, Deputations and, or, to answer any Questions by Members or the Public in accordance with Rule(s) 11, 12, 13 and 10 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

**8. Mayor's Announcements**

To receive any announcements from the Mayor in accordance with Rule 2 of Part 4 of the Constitution.

**a. Official Mayoral / Deputy Mayoral Engagements**

## 9. Leader's Statement

To receive any statement from the Leader of the Council in accordance with Article 2.9.2(ii) of Part 2 of the Constitution.

## 10. Proposed Public Space Protection Order (Nitrous Oxide) 2021 9 - 24

Report of the Anti-Social Behaviour Officer

## 11. Amendment to Membership of Development Control Committee 25 - 26

Report of the Monitoring Officer

**For more information, please contact:**

### **Democratic Services**

Oadby and Wigston Borough Council  
Council Offices  
Station Road, Wigston  
Leicestershire  
LE18 2DR

**t:** (0116) 257 2775

**e:** democratic.services@oadby-wigston.gov.uk

**You can access all available public meeting documents  
and audio-visual live streams and recordings electronically on:**



Our website **oadby-wigston.gov.uk** under **'Your Council'** and **'Meeting Dates, Agendas & Minutes'**



Your smart **iPad, Android** or **Windows** tablet device with the **'Modern.Gov'** app



Our **YouTube** Channel **ow.ly/FYQW50zDNkc** or smart device with the **'YouTube'** app (facilitated by **'Zoom'**)



Our audio platform **soundcloud.com/oadbywigstonbc** or smart device with the **'SoundCloud'** app

# Agenda Item 4

## MINUTES OF THE MEETING OF THE FULL COUNCIL HELD ON TUESDAY, 4 MAY 2021 COMMENCING AT 8.00 PM

### **PRESENT**

Mrs L Eaton JP                      Mayor  
Mrs L Kaufman                      Deputy Mayor



### **COUNCILLORS**

Mrs R H Adams  
N Alam  
L A Bentley  
G A Boulter  
J W Boyce                              Leader of the Council  
Mrs L M Broadley  
F S Broadley  
D M Carter  
M L Darr  
D A Gamble  
F S Ghattoraya                      Deputy Leader of the Opposition  
Mrs S Z Haq  
Miss P V Joshi                      Leader of the Opposition  
J Kaufman  
Miss A Kaur  
Ms C D Kozlowski  
Mrs H E Loydall  
K J Loydall  
D W Loydall  
Mrs S B Morris  
R E R Morris  
Dr I K Ridley

### **OFFICERS IN ATTENDANCE**

S J Ball                                  Assistant Solicitor  
Miss E Byrne                      Democratic Services Officer  
Mrs A E Court                      Chief Executive / Head of Paid Service  
D M Gill                                Head of Law & Democracy / Monitoring Officer

### **OTHERS IN ATTENDANCE**

#### **71.      CALLING TO ORDER OF THE MEETING**

The meeting of the Council was called to order to receive Her Worship The Mayor and Deputy Mayor.

#### **72.      APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors R F Eaton and M H Charlesworth.

#### **73.      DECLARATIONS OF INTEREST**

Councillors Mrs L Eaton JP and K J Loydall JP declared a non-pecuniary interest with regard to item 10 of the agenda, insofar as they were acquaintances of Mr Laurie

Faulkner, having sat together in the Magistrates' Court.

**74. MAYOR'S ANNOUNCEMENTS**

None.

**75. ADDRESS BY HER WORSHIP THE MAYOR**

The Mayor thanked her fellow Councillors, the Council's Senior Management and the Deputy Mayor for their support during the past two years and reflected on the highlights and challenges experienced during her term of office. Thanks was also extended to Officers for their assistance with Charing remote meetings during the Covid-19 pandemic.

**76. APPRECIATIONS**

The Leader of the Council, Councillor J W Boyce, led the appreciations for the outgoing Mayor's term of office.

**77. ELECTION OF THE MAYOR (2021/22)**

It was moved by Councillor Mrs S Z Haq, seconded by Councillor D A Gamble and

**UNANIMOUSLY RESOLVED THAT:**

**Councillor Mrs Lily Kaufman be duly elected to the Office of Mayor for the ensuing municipal year 2021/22.**

The newly-elected Mayor read aloud the Declaration of Acceptance of Office and duly signed the Register. Her worship the Mayor and her Consort, Councillor Jeffrey Kaufman, were invested with their respective chains and Insignia of Office.

The Mayor addressed the meeting, thanking the outgoing Mayor together with her Proposer and Secunder for their nominations. It was announced that Leicester Children's Hospital would be the Mayor's nominated charity for the municipal year.

**78. ELECTION OF THE DEPUTY MAYOR (2021/22)**

It was moved by Councillor K J Loydall JP, seconded by Councillor Mrs H E Loydall and

**UNANIMOUSLY RESOLVED THAT:**

**Councillor Mrs Rosemarie Adams be duly elected to the Office of Deputy Mayor for the ensuing municipal year 2021/22.**

The newly-elected Deputy Mayor read aloud the Declaration of Acceptance of Office and duly signed the Register. The Deputy Mayor was invested with her respective Chains of Office.

The Deputy Mayor addressed the meeting, thanking her Proposer and Secunder for their nominations.

**79. APPOINTMENT OF OFFICE HOLDERS, COUNCIL BODIES & MEMBERSHIPS (2021/22)**

The Council gave consideration to the report as set out on pages 1-13 of the agenda reports pack which asked it to approve the appointment of Office Holders and Committees, Boards, Panels, Forums and Working Groups of the Council, together with the Chairs, Vice-Chairs and Members to serve thereon for the ensuing municipal year 2021/22.

It was moved by the Leader of the Council, seconded by Councillor Mrs S B Morris and

**RESOLVED THAT:**

- (i) Councillor N Alam be appointed Chair of Oadby Resident's Forum.**

<b>Votes For</b>	<b>23</b>
<b>Votes Against</b>	<b>1</b>
<b>Abstentions</b>	<b>0</b>

It was moved by the Leader of the Council, seconded by Councillor Mrs S B Morris and

**RESOLVED THAT:**

- (i) The current political balance of the Council and the proportionality arrangements as a result thereof in terms of eligible Member representation and allocation of seats on Council bodies by political group be noted;**
- (ii) The nominated appointments of Office Holders and Council bodies and the Chairs, Vice-Chairs and Members to serve thereon for the ensuing municipal year 2021/22 be approved;**
- (iii) The revised structure of Council bodies (as set out at Appendix 4 to the report) be noted; and**
- (iv) Delegated authority be given to the Head of Law & Democracy / Monitoring Officer to make any subsequent amendments to the structure of Council bodies as appropriate.**

<b>Votes For</b>	<b>22</b>
<b>Votes Against</b>	<b>1</b>
<b>Abstentions</b>	<b>1</b>

**80. APPOINTMENT OF INDEPENDENT PERSONS (2021-2025)**

The Council gave consideration to the report as set out on pages 14-17 of the agenda, which asked it to appoint the Independent Persons listed in the report for a four year term of office.

It was moved by Councillor J Kaufman, seconded by Councillor D Gamble and

**RESOLVED THAT:**

**The Appointment of the Independent Persons listed in the report be approved, with further recruitment to be carried out by the Monitoring Officer.**

<b>Votes For</b>	<b>18</b>
<b>Votes Against</b>	<b>2</b>
<b>Abstentions</b>	<b>4</b>

**81. SCHEDULE OF COUNCIL & ALLIED MEETINGS (2021/22)**

The Council gave consideration to the report as set out on pages 18-39 of the agenda, which asked it to approve and adopt the Schedule of Council and Allied Meetings for the municipal year 2021/22.

It was moved by the Leader of the Council, seconded by Councillor S B Morris and

**UNANIMOUSLY RESOLVED THAT:**

- (i) The Schedule of Council and Allied Meetings for the municipal year 2021/22 as set out in the Appendices be approved and adopted; and**
- (ii) Delegated authority be given to the Head of Law & Democracy/Monitoring Officer to make any amendments to the Schedule during the 2021/22 municipal year as appropriate.**

**82. NEWLY-ELECTED MAYOR'S ANNOUNCEMENTS**

Her worship The Mayor expressed her appreciation to all those attending the meeting remotely, in particular to the invited guests and family members for their ongoing support and encouragement, and provided brief details of her first scheduled Mayoral engagement at a refurbished funeral parlour.

**THE MEETING CLOSED AT 9.20 PM**



\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Tuesday, 13 July 2021**

*Printed and published by Democratic Services, Oadby and Wigston Borough Council,  
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

# Agenda Item 10



<b>Full Council</b>	<b>Tuesday, 13 July 2021</b>	<b>Matter for Information and Decision</b>
---------------------	------------------------------	--

**Report Title:** **Proposed Public Space Protection Order (Nitrous Oxide) 2021**

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

<b>Purpose of Report:</b>	To inform the Council 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.
<b>Report Summary:</b>	The report outlines that within the Borough, there is a 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.
<b>Recommendation(s):</b>	<p><b>A. That the content of the report and appendices be noted;</b>  <b>B. That the draft Public Space Protection Order (as set out in Appendix 1) be approved; and</b>  <b>C. That implementation of the Public Space Protection Order take place on the same date as Harborough District Council.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>David Gill (Head of Law &amp; Democracy / Monitoring Officer)            (0116) 257 2626  <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Andrew Dingley (Community &amp; Wellbeing Manager)            (0116) 257 2651  <a href="mailto:andrew.dingley@oadby-wigston.gov.uk">andrew.dingley@oadby-wigston.gov.uk</a></p> <p>Thomas Maccabe (Anti-Social Behaviour Officer)            (0116) 257 2611  <a href="mailto:thomas.maccabe@oadby-wigston.gov.uk">thomas.maccabe@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)
<b>Report Implications:-</b>	
<b>Legal:</b>	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 legally be challenged under the Act on certain grounds.
Financial:	There are no implications 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.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	<ul style="list-style-type: none"> <li>• Leicestershire Police</li> <li>• Public Consultation (Running from 7 May – 18 June 2021)</li> </ul>
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft Public Space Protection Order (Nitrous Oxide) 2021</li> <li>2. Results from Consultation</li> </ol>

## 1. Background and Discussion

- 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 face mask 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 or 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 the local residents in the Borough are concerned with the use of nitrous oxide. Reports have been received both by the Council and by the Police either concerning the use of the substance, or metal cartridges left discarded in public spaces. 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.

<b>Year/Month</b>	<b>Road Name</b>	<b>Town</b>
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 locking 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-stop areas as well as any proactive work undertaken. Through consultations with residents who had phoned the Police, it was clear to see 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	BEAUMONT STREET	OADBY
STREET	BRIAR MEADS	OADBY
UPLANDS PARK	UPLANDS ROAD	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 to 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 (LPU) 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 It is recommended that Members support implementing the PSPO on the same date as Harborough District Council. This to ensure that it is simple and straightforward for Police Officers and Community Support Officers who will be enforcing similar PSPO's in both our Borough and Harborough District. It will further support Leicestershire Police training their Officers on how to enforce the PSPO and from what date.
- 3.4 Harborough District Council's PSPO will be discussed at their Cabinet Meeting on 6 September 2021. Both Councils, alongside Police will then set a date for commencement of the PSPO.
- 3.5 The PSPO 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 ended on 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 and reaches 2002 residents in the Borough as well as schools.
- 4.2 The Council received 162 consultation responses of which 127 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.

#### **5. Licensing & Regulatory Committee**

- 5.1 The proposed PSPO was discussed at the Licensing & Regulatory Committee on 24 June 2021. The Committee unanimously recommended that the Council adopt the PSPO, however raised two actions; firstly, to send a leaflet into all schools in the Borough explaining the dangers of using nitrous oxide, and secondly, writing a letter to the Local Government Association (LGA) asking them to lobby government to introduce a minimum age to purchase nitrous oxide.

## OADBY AND WIGSTON BOROUGH COUNCIL

### PUBLIC SPACES 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.

## Appendix A

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 food stuffs 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

## Appendix 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

© Crown copyright. All rights reserved Oadby & Wigston Borough Council LA100018489 Published 2021

**Restricted Zone Marked in Red**



Appendix A

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

## Public Consultation Results

A total of **162** responses

	<b>Do you think there is a problem with nitrous oxide in the borough?</b>	<b>Number of responses from total 162</b>
Yes	69.75%	113
No	3.09%	5
Don't know	27.16%	44

	<b>Have you seen evidence of nitrous oxide being used in the borough?</b>	<b>Number of responses from total 162</b>
Yes	79.01%	128
No	20.99%	34

	<b>Do you believe a PSPO is necessary to tackle the problem in the borough?</b>	<b>Number of responses from total 162</b>
Yes	78.4%	127
No	4.94%	8
Don't know	16.67%	27

	<b>Do you believe the PSPO should be borough wide?</b>	<b>Number of responses from total 162</b>
Yes	88.27%	143
No	11.73%	19

	<b>Do you believe there is enough information available to explain the dangers associated to psychoactive substances?</b>	<b>Number of responses from total 162</b>
Yes	11.11%	18
No	62.96%	102
Don't know	25.93%	42

	<b>Gender</b>	<b>Number of responses from total 162</b>
Male	38.89%	63
Female	51.85%	84
Non binary	0.62%	1
Prefer not to say	8.64%	14

	<b>Transgender</b>	<b>Number of responses from total 162</b>
Yes	1.23%	2
No	89.51%	1451
Prefer not to say	9.26%	14

	<b>Age</b>	<b>Number of responses from total 162</b>
16-24	0.62%	1
25-34	8.02%	13
35-44	15.43%	25
45-54	14.81%	24
55-64	18.52%	30
65+	32.72%	53
Prefer not to say	9.88%	16

	<b>Disability</b>	<b>Number of responses from total 162</b>
Yes	10.49%	17
No	78.4%	127
Prefer not to say	11.11%	18

	<b>Nationality</b>	<b>Number of responses from total 162</b>
British	58.02%	94
English	26.54%	43
Irish	1.23%	2
Welsh	0.62%	1
Other	2.47%	4
Prefer not to say	11.11%	18

	<b>Ethnicity</b>	<b>Number of responses from total 162</b>
Asian	7.41%	12
Black	0.62%	1
White	79.01%	128
Other	0.62%	1
Prefer not to say	12.35%	20

	<b>Sexuality</b>	<b>Number of responses from total 162</b>
Bisexual	0.62%	1
Heterosexual	82.1%	133
Prefer not to say	17.28%	28

	<b>Religion</b>	<b>Number of responses from total 162</b>
Christian	45.68%	74
Other	19.75%	32
Prefer not to say	34.57%	56

	<b>Other religion options from the 19.75% 'Other' responses</b>	<b>Number of responses from 32 who selected 'Other'</b>
Agnostic	18.75%	6
Atheist	34.38%	11
Hindu	25%	8
Muslim	6.25%	2
Sikh	3.13	1
Other	6.25%	2
Prefer not to say	6.25%	2

# Agenda Item 11



<b>Full Council</b>	<b>Tuesday, 13 July 2021</b>	<b>Matter for Decision</b>
---------------------	------------------------------	----------------------------

**Report Title:** **Amendment to Membership of Development Control Committee**

**Report Author(s):** **David Gill – Monitoring Officer (Head of Law and Democracy)**

<b>Purpose of Report:</b>	To amend the membership of Development Control Committee.
<b>Report Summary:</b>	As above.
<b>Recommendation(s):</b>	<b>That Councillor Ian Ridley be appointed as a member of the Development Control Committee in lieu of Councillor Dean Gamble.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	Anne Court (Chief Executive) (0116) 257 2602 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a>  David Gill (Monitoring Officer/Head of Law & Democracy) 0116 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a>
<b>Corporate Objectives:</b>	Not applicable
<b>Vision and Values:</b>	Customer Focus (V5) Accountability (V1) Respect (V2)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	None



<b>Background Papers:</b>	The Council's Constitution The Local Government (Committees and Political Groups) Regulations 1990 The Local Government (Committees and Political Groups) (Amendment) Regulations 1991 Local Government and Housing Act 1989
<b>Appendices:</b>	None.

## **1. Appointment of Office Holders, Council Bodies and Memberships**

- 1.1 In accordance with the Council's Constitution, the Council must at its Annual General Meeting (AGM) resolve upon nominations for the appointment of certain Office Holders and Council bodies together with the Chairs, Vice-Chairs and Members to serve thereon for the ensuing municipal year.
- 1.2 At the AGM on 4 May 2021, Councillor Dean Gamble was appointed as a member of the Development Control Committee for the 2021/22 municipal year.
- 1.3 Councillor Gamble has now indicated that he no longer wishes to sit on the Development Control Committee and a request has been received that Councillor Ian Ridley replaces him.
- 1.4 Should Councillor Ridley replace Councillor Gamble there will be no impact on the political proportionality of the Development Control Committee.