



Wales Safer Communities Network response to: Home Office Consultation- Nitrous Oxide: Legitimate Uses and Appropriate Controls

Closed 27 June 2023

Response submitted via the online survey

Questions:

(Please note questions before 59 were not applicable)

Impact and Legitimate Use

59. For the purposes of this consultation, 'legitimate use' refers to uses of nitrous oxide which is not for its psychoactive effect in a recreational capacity. What are your views on this definition?

Please add any comments or proposed amendments in the box below

We agree in principle with the definition which includes its psychoactive effect, but given it doesn't just affect the brain but can also affect the spine and the nervous system including nerve endings it may need expanding. The nervous system made up of the central nervous system (brain and spinal cord) and the peripheral nervous system (including nerve endings) is therefore more widely thought to be affected by the use of nitrous oxide, but the current understanding of psychoactive is that it relates to the brain only.

We suggest consideration is given for the definition of 'legitimate use' refers to uses of nitrous oxide which is not for its psychoactive or sensory effect in a recreational capacity.

60. What impact would the three proposals in respect of the sale of nitrous oxide have on you, your organisation, or your business? [Complete table]

Using the table below, please tick one box for each proposal (1, 2, and 3).

Impact	Proposal 1	Proposal 2	Proposal 3
High impact (significant loss of revenue, (more than 30%) and /or administrative burden)			
Medium impact (some loss of revenue (10-30%) and/or some additional administrative burden)			
Low impact (minimal loss of revenue (less than 10%) and/or minimal additional administrative burden)			
No Impact	√	√	√
Impact Unknown			



61. Do you have any other concerns about the impact that these proposals will have on you, your organisation or business? [Comment]

a. Proposal 1 [200 word limit]

Proposal one is the one we think would be the hardest or impossible to manage. If any individual who possess nitrous oxide for all purposes is applied, then it could inadvertently apply to every person deemed to be the owner of cans of spray cream or have a bicycle pump that uses nitrous oxide to inflate tires, especially as it is recommended for those involved in mountain bike leisure activities.

As partners involved in community safety we see the impact of the misuse of nitrous oxide we are also keen that we do not criminalise those for whom there is a genuine reason for possessing nitrous oxide.

We also think that this option would be resource intensive and are concerned where the resources to manage the numbers requiring licences and the ongoing standards monitoring.

b. Proposal 2 [200 word limit]

We do not think this proposal would be the most successful, whilst it may involve the least amount of resource for implementation it would still freely allow the movement of nitrous oxide and rely on those requiring it for reasons deemed legitimate through legislation to require a licence. How these businesses and individuals would identify themselves and where the responsibility would fall if the nitrous oxide were provided in good faith, but then used for illegal purposes and supplied as a substance for misuse is not clear.

We are concerned that it could leave a loophole that the organised criminal gangs and individuals could exploit, for example using a shop (either through exploitation or ownership) that sells bikes and accessories where nitrous oxide could have a legitimate use under legislation to obtain nitrous oxide that is then moved into the drug supply system.

c. Proposal 3 [200 word limit]

This proposal would appear to be the most sensible and cost effective approach, which would allow for the possession for personal use for legitimate purposes to not require a licence. Whilst businesses or individuals who import, export, produce or supply would need a licence. This would appear to be closer to how alcohol and tobacco is managed through the supply chain.

It would appear to balance the issues found in both other proposals and whilst organised criminal gangs and individuals will work to avoid the system it should put more stops in place and fit within the regulation and inspection processes already in place. We would hope this response would make nitrous oxide less readily available and thus lead to reduced use.

The concern with the proposal is around the resourcing for the required additional process for running the licences, checking that businesses and individuals are operating within the law and for the additional training and awareness sessions that will be required for the inspectors and for businesses and individuals requiring the licences.



Marking and labelling controlling for containers

62. Do you currently label nitrous oxide products that you manufacture, sell or handle? [Select one]

- a. Yes
- b. No**

63. If new requirements were introduced for labelling nitrous oxide, what impact would these have on you or your organisation? [Select one, and comment]

- a. High impact
- b. Medium impact
- c. Low impact**
- d. No Impact
- e. Impact Unknown

The impact on the members of the Wales Safer Communities Network would be on the time checking that the nitrous oxide was correctly labelled. Our members include local authorities, police, fire service and health colleagues all of whom may come into contact and need to verify the correct labelling is used, and in the case of local authorities and police remove or require action to correct which may lead to some hostility and a time-consuming process that is resource intensive.

We would also be in favour of an enhanced preventive awareness programme for those who have tried or are thinking of trying nitrous oxide, through education (school and colleges) and youth and community groups. The programme could include the personal harms or potential harms of nitrous oxide but also the environmental impact as a contributor to the greenhouse gas emissions and therefore to climate change.

We also suggest that it may be appropriate depending on the final decision on the proposals, that consideration should be made in placing age restrictions on the sale of nitrous oxide as there is for alcohol, cigarettes, fire works and knives on retail outlets and other distributors.

In support of these changes we would suggest working with communities by providing collection bins as these cannisters are recyclable, though not through most domestic recycling schemes. By collecting the cannister it provides the opportunity not only to reduce land fill and littering, or risk of incident from a partially or full cannister being discarded but if labelled correctly, would allow for systematic checks to see where the canisters are coming from so potential breaches in licensing can be checked.