

Report



DATE: 30 October 2014

TO: Mayor and Councillors

FROM: Community Development Advisor

DRAFT PSYCHOACTIVE SUBSTANCES POLICY – SUBMISSIONS RECEIVED

1.0 SUMMARY

- 1.1** The purpose of this report is to report back to Council on the submissions received during the time that the draft policy on the *Availability, Sale and Supply of Psychoactive Substances* was advertised for public consultation and to ask Council for a decision on which areas in Westland a business selling psychoactive substances should be limited to.
- 1.2** Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders	Consulting with the community and developing policy on this topical issue affecting the community.

- 1.3** This report concludes by recommending that Council amend the area where psychoactive substances can be sold to the block in Hokitika bounded by Weld Street, Revell Street, Hamilton Street and Tancred Street. The report also recommends that Council work with Local Government New Zealand to lobby central government for a total ban on the sale of psychoactive substances.

2.0 BACKGROUND

- 2.1 Psychoactive substances include party pills and synthetic cannabis. There have been some well publicised cases of physical harm done by these products so that their safety is in question.
- 2.2 Since the Psychoactive Substances Act came into force on 18 July 2013, the number of retail outlets selling psychoactive products nationwide has decreased, from an estimated 3000-4000 unregulated sellers to less than 170 licensed premises nationwide, a reduction of about 95%. From an estimated 200 products on the market prior to legislation, the number of products available has reduced by over 75% to less than 50 products.
- 2.3 The Act was amended on 7 May 2014 to ban all psychoactive substances from sale until they can be tested. The immediate impact of the Amendment Act has been to remove interim licences and essentially prevent the issuing of new licences, due to adoption of new standards that must be met before test regimes can be approved. This latter requirement has meant that it may be sometime before new products are available. Local Government New Zealand (LGNZ) is far from certain about the time that it will take for a testing regime to be approved. At some future point in time, some products may pass the test regimes.
- 2.4 Council approved a draft policy on the *“Availability, Sale and Supply of Psychoactive Substances”* on 28 August 2014. There are restrictions imposed on Council by the Psychoactive Substances Act of 18 July 2013 which it is bound by. It might be preferable to ban the availability of the products outright, but that is not an option under the Act.

3.0 CURRENT SITUATION

- 3.1 Submissions have been received from

- 3.1.1 Community Constable Jon Armstrong (on behalf of the Hokitika Police)
- 3.1.2 Anthea Keenan
- 3.1.3 Rob Maitland
- 3.1.4 Rosie McGrath (on behalf of Active West Coast)
- 3.1.5 Jem Pupich (on behalf of Community and Public Health)
- 3.1.6 Sarah Thompson (Library Manager)

None of these submitters wish to be heard in person.

- 3.2** These submissions are in Appendix 3. Two of the six submissions support a more restricted area, bounded by Weld Street, Revell Street, Hamilton Street and Tancred Street. One submission was similar, in that it suggested avoiding the Sewell Street part of the area bounded by Sewell Street, Weld Street, Hamilton Street and Tancred Street, but it did not explicitly ask for restrictions on the other three streets forming that block.
- 3.3** The other three submissions would prefer a total ban, which cannot happen under current government legislation. Two of those three submitters believe that Council should take a stronger stand and lobby Government for a total ban.

4.0 OPTIONS

- 4.1** Ignore all submissions and leave the policy unchanged.
- 4.2** Restrict the area to the block in Hokitika bounded by Weld Street, Revell Street, Hamilton Street and Tancred Street. This area is marked in Appendix 2. This is the preferred option, matching the requests of two of the submissions, and consistent with the other four submissions' request for more restrictions.
- 4.3** Lobby Government for a total ban, in combination with adoption of a Psychoactive Substances Policy as per option 4.1 or 4.2.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1** This has a low level of significance for Council because it does not affect existing businesses in Hokitika and would only restrict any new business wanting to establish itself in what could be described as a niche market.
- 5.2** The Special Consultative Procedure under the Local Government Act was followed. The draft policy was advertised through Council's website, at Council's front reception desk, and in the Hokitika Guardian, and information was sent out about it to all community groups in Westland, inviting comments from individuals and organisations on the draft policy. The consultation period was for one month, from 3 September to 3 October. Six submissions were received, and none of the submitters wish to be heard.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1** The submissions make some valuable comments. To ignore the requests for a smaller area and leave the Policy unchanged, as per Option 4.1 above, could be disadvantageous for the number of young people who use the Westland

Library and the Poutini Waiora premises on Sewell Street. At the same time, it is not legally permissible to change the Policy so that it bans retail outlets of psychoactive substances from the District completely, so the submissions requesting a total ban cannot be agreed to.

6.2 The main advantage of further restricting the area, as per Option 4.2 above, is that it would respond to submissions by keeping the sale of psychoactive substances farther away from the Library, Poutini Wairoa, and their patrons. Another advantage of this option is that it would make it difficult for any new business to establish itself in the District at all, because of the limited number of existing buildings in the single permissible block that would be available for rent or sale. The disadvantages are that Council could be challenged on the restrictiveness of the small area, and current businesses in that permissible area could complain about a business wanting to sell psychoactive substances being able to establish itself in such close proximity to them. They might argue for a larger zone where such uses would be less concentrated. The reality, however, is that the demand for psychoactive substance shops in a small town like Hokitika is probably relatively limited, and concentration of psychoactive substance shops is not likely to be an issue.

6.3 In terms of Option 4.3, lobbying central government to allow Councils to impose a total ban, the Grey District Council have already lobbied Government on this issue but no further action has resulted to date. Similarly, if our Council's Mayor just wrote to Central Government, little weight might be given to that lobbying effort. Local Government New Zealand (LGNZ) is discussing this issue, and the Council could work with LGNZ at the appropriate time on any action it seeks to take in terms of lobbying Central Government for a total ban. That would provide greater weight to the proposal than any one Council's individual lobbying efforts. This option can be pursued in concert with either of the other two options relating to the Policy, and in light of the submissions received asking for a total ban, this could be worthwhile.

6.4 There are no known financial implications for Council.

7.0 PREFERRED OPTION AND REASONS

7.1 The preferred option is 4.2 above - to restrict the area where potential businesses selling psychoactive substances could be established to the block in Hokitika bounded by Weld Street, Revell Street, Hamilton Street and Tancred Street. This is explicitly supported by two of the submissions, and is consistent with the other four submissions' request for more restrictions. Appendix 1 shows the original area agreed to in the draft policy and Appendix 2 shows the proposed amended area.

- 7.2 Taking into account that three submissions have called for a total ban, Council could adopt a modified version of Option 4.3 as well, choosing to join in with LGNZ at the appropriate time to lobby Central Government for a total ban on the sale of psychoactive substances in Westland. This would reflect community concern but would potentially have greater impact than an individual Council's lobbying efforts.

8.0 RECOMMENDATIONS

- A) **THAT** Council adopt the *Availability, Sale and Supply of Psychoactive Substances Policy*, as attached in Appendix 4, which amends the permitted sales area in the draft policy to the business area of Hokitika bounded by Weld Street, Revell Street, Hamilton Street and Tancred Street.
- B) **THAT** Council agree to work with Local Government New Zealand on any efforts to lobby Central Government for a total ban on the sale and supply of psychoactive substances in New Zealand, or for the ability for local Councils to institute such a ban within their territory authority boundaries.

Derek Blight

Community Development Advisor

Appendix 1: Agreed area where an outlet could be established

Appendix 2: Proposed amended area where an outlet could be established.

Appendix 3: Submissions Received

Appendix 4: Availability, Sale and Supply of Psychoactive Products Policy

Appendix 1

Agreed area where an outlet could be established in the draft policy



Map of Hokitika showing buffer zones of 150m around schools and Cass Square

Buffer zones	Location in Hokitika
Yellow Zone	150 metres around St Mary's School
Pink Zone	150 metres around Cass Square
Green Zone	150 metres around Westland High School
Blue Zone	150 metres around Hokitika Primary School

Proposed amended area where an outlet could be established after consultation with the community



Map of Hokitika showing buffer zones of 150m around schools and Cass Square

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Yellow Zone	150 metres around St Mary's School
Pink Zone	150 metres around Cass Square
Green Zone	150 metres around Westland High School
Blue Zone	150 metres around Hokitika Primary School



New Zealand
POLICE
Nga Pirihimana O Aotearoa

SCANNED



CE	Mayor	GM JCE	GM DA	GM CS	EA	CDA
X						✓ BH

Friday, 5 September, 2014

The Westland District Council
Private Bag 704
Hokitika

Availability, Sale and Supply of Psychoactive Products Policy.

Dear Sir,

On behalf of the Hokitika Police, I would like to make submission to the above draft policy document proposed by the Westland District Council. The comments below are those of the sworn Police staff members of the Hokitika Police and are not necessarily the opinion of the national body of the New Zealand Police.

I applaud the Westland District Council for proposing such a local policy but I feel that it does not go far enough in restricting or even denying any future involvement with psychoactive products. The WDC policy will not allow any sales of such products "in any other towns such as Franz Josef Glacier or any rural areas of Westland." In Hokitika however, the policy will not allow sales within a 250 metre radius of three schools and Cass Square but will allow the establishment of premises to sell future authorised psychoactive products within a specific two block area in the CBD. Why has Hokitika been separated from any other area within the Westland District as a place where psychoactive products may be sold?

The WDC will obviously put in place this 250 metre restriction based on Section 68(c) of the Act that gives examples of premises and facilities such as schools, kindergartens, churches and community facilities where a specific proximity to a place of sale can be imposed. Section 52(1) of the Act however also prohibits the sale of authorised products from dairies, supermarkets, petrol stations, licence premises and vehicles.

Within the proposed CBD two block area put aside for prospective psychoactive sales are the following: the Museum (community facility), the Regent Theatre (community facility), Poutini Waiora (community facility), the Chartered Club (licensed premises) and the West Coast Wine Co (licensed premises). By their own restriction and in accordance with Section 68(c), the WDC should also impose the 250 metre zone from these community facilities which would therefore make the CBD an area where the sale of psychoactive products would not be permitted.

If a restricted "zone" was also then to be imposed on the remaining schools, kindergartens, supermarkets, petrol stations and licence premises scattered around the remaining areas in Hokitika then it is obvious that the entire town could therefore be included with the Franz Josef Glacier prohibition on any psychoactive product sales.

Safer Communities Together

HOKITIKA POLICE STATION

50 Sewell Street, PO Box 17, Hokitika, New Zealand
Telephone: (03) 756 8310 Facsimile: (03) 756 8311 www.police.govt.nz

The Westland District Council has the ability to deny the availability, sale and supply of these highly addictive and dangerous products to its community and has indicated its intention to do so to all areas within its expansive district except to Hokitika for some reason. The Hokitika Police cannot see why Hokitika should be separated from the rest of the district in that respect and ask if the prohibition to any involvement with psychoactive products be amended to include Hokitika and its immediate environs.

Yours sincerely



JP ARMSTRONG
Senior Constable
Community Constable
Hokitika Police

240 Kaniere Rd.
HOKITIKA

6 September 2014

Community Development Advisor
Westland District Council



Dear Derek

SUBMISSION

Draft Availability, Sale and Supply of Psychoactive Products Policy

The wording herewith appears that Westland District suggests that Psychoactive Products to be available for sale and supply. Yet it is Councils meaning and concern that these Products are should be restricted (preferably banned imo).

Therefore I recommend that Council look further to amend wording in policy:

i.e. **Take out the words "Availability, Sale and Supply" in both heading & Purpose**

Establish that the District enforces the prevention of any illegal substance.

I have passed on copies to Hokitika Police and to West Coast District Health Drug & Alcohol – could you please ask them to be involved in submission process as well.

Regards

Anthea Keenan

Re Availability, Sale and Supply of Psychoactive Products Policy re Westland District Council 2014.

RECEIVED

17 SEP 2014

BY:

If Westland's Vision is the acceptance and implementation of this policy or in any way making available any mind altering substance outside of that which is prescribed from a doctors pen then that vision is at best short sighted and at worst the blind leading the blind. We are led to believe by those with active interests in their beliefs that there way is the way and that due to their rights they deserve to be given rights in whatever they wish and anyone who opposes those rights and wishes is discriminating against those rights and therefore breaking some law that protects them regardless of the damage that can be done to the majority. An example of this is the pro marijuana group jumping on the band wagon for the medical use of the plant and trying to use that as a reason to decriminalise and make the product available legally. Years back i spent a period of time associated with people involved in the active use, production and distribution of legal and illicit drugs and learnt that it does not matter whether a drug is legal or illegal it makes no difference to the outcome of its effect. Lifestyle creates a perception of normal but unbeknown to a drug user there perception is at best a distortion of reality if not fantasy and can be extreme to the point of being anti-social, anti-community and lacking sound judgment. To say the least it is disheartening to watch the erosion and killing off of positive ambition of those who use when all one can do is watch them become just another statistic be it in school, on the street, the mental institution, in jail or in the cemetery. Whereas it may be of economic benefit as a job creation scheme to have such products available I am sure that doctors, law enforcement, the victims of drug induced crimes and the likes would have a differing opinion.

Points I question

- *Reference to Purpose* - To restrict the availability, sale and supply of Psychoactive Products within the Westland District Council, in line with the provisions of the Psychoactive Substances act 2013. Surely this should read something like - **To remove the availability, sale and supply of Psychoactive Products within the Westland District.** End of story.
- To recognise that the act aims to regulate the availability of psychoactive products to protect the health of and minimise risk to users. Please forgive me if I have missed the point but surely to protect the health of the people then the wording should be something like - **To recognise that the act needs to be removed to protect the health and wellbeing of individuals and community as a whole.**
- Reference to c in the Background section is window dressing and nothing short of being a warm fuzzy cop out. Close to schools or far away from schools drugs are drugs and pro users and suppliers are always on the push for new users because that

is where there money is. Make a psychoactive product legal and then make it accessible with a place to sell that product then that product will become accepted as the norm. Awesome decision for the pro users, distributors, sellers and the manufacturers, not such good news for the users, those who are left to tidy the mess up and the victims of crimes who invariably pay the cost.

- Reference to 3 in the Aims of the Policy – why is it that our council can stop the sale of products in Franz and other rural areas but not in Hokitika as well. Is this another cop out or just apathy at its worst.

If this is a New Zealand law and not just a Westland District Council law then I hope that all those including the Council who are directly or impartially responsible in the setting of and the implementation of this law have the decency and guts to front and accept responsibility to all those who are left dealing with the after effects of drug use and abuse. Some that come to mind are innocent victims of crimes committed by those users, hospital staff, law enforcement, parents and families, school teachers, employers and whoever else who are left paying the real price. This of course includes the individual user. From my real life experiences the producers and dealers of such products don't care about the after effects and any concern that they do show is merely window dressing to ensure that their profits and needs are taken care of. If this council sees that selling Psychoactive Products is taking care of and is a necessary need in our community then we are in trouble. I guess the next thing will be an R18 tag just to make it more palatable to accept – as with alcohol we know that does not and was never going to work.

Rob Maitland.

September 2014

Contact Name: Rosie McGrath
Organisation: Active West Coast
rosie.mcgrath@cdhb.health.nz
Phone: 03 768 1160 ext 716
Postal Address: C/- P O Box 443
Greymouth 7840



Westland District Council
P O Box 704
HOKITIKA



re: Submission to the Westland District Council's Draft Local Approved Product Policy (LAPP) entitled Availability, Sale and Supply of Psychoactive Products Policy.

Active West Coast

Active West Coast (AWC) is a network of agencies and groups committed to improving the health of West Coasters through the promotion of healthy lifestyles. As such we recommended Council to adopt a LAPP in our submission to the 14/15 draft Annual Plan. While member organisations were involved in preparing this submission, the recommendations in their entirety, do not necessarily reflect the views of each individual agency.

AWC is pleased to see Council is taking proactive steps to regulate the availability, sale and supply of approved psychoactive substances to protect health and minimise risk to individuals and communities within the Westland District. Whilst approval for specific psychoactive substances may be some time in the future, adopting a District Policy clarifies the district's expectations to any potential retailers.

We agree with the aims of the policy- to limit outlets selling psychoactive substances to the commercial area of Hokitika, to regulate distance between approved outlets and to limit exposure to children and young people.

We acknowledge that Council is in line with the Psychoactive Substances Act 2013 when excluding outlets from setting up within a 250 metre radius of a school, preschool, reserve or church. However the same section of the Act [Section 68 (c)] also allows Councils to take into account the proximity of 'other community facilities' to a proposed outlet.

AWC reminds Council that the area bounded by the red rectangle (Sewell St, Revell St, Weld St and Hamilton St) includes Poutini Waiora; a Maori Health Unit, the Regent Theatre and the local public Library. We consider that people using these facilities should also be protected from exposure to outlets selling psychoactive substances.

AWC recommends that Council shrinks the Red Rectangle area to exclude Sewell St.

With respect to review periods for LAPPs, Section 69 (4) of the Act states that:
A territorial authority must complete a review of a local approved products policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.

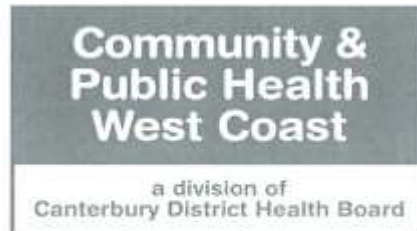
While AWC believes it is prudent for Council to allow the policy to be reviewed at any time in response to possible changes to the Act, we recommend the inclusion of a clause which states that the review period will not exceed a period of 5 years.

We take this opportunity to remind Council that alcohol is a commodity that has psychoactive effects and causes harm in our community. We encourage Council to continue to work towards developing and adopting a Local Alcohol Policy (LAP) as soon as practical.

Thank you for the opportunity to submit on the draft LAPP. We do not wish to speak to this submission; however we may be contacted by phone on 768 1160 ext 716 or by emailing rosie.mcgrath@cdhb.health.nz if required.



Rosie McGrath
Coordinator
Active West Coast



**Submission from
Community and Public Health, West Coast**

September 2014

**Westland District Council
Draft Policy on the Availability, Sale and Supply of
Psychoactive Products**

Details of Submitter

Dr Cheryl Brunton
Medical Officer of Health

Postal Address
Community and Public Health
PO Box 443
3 Tarapuhi Street
Greymouth 7805

Phone: 03 768 1160 **Fax:** 03 7681169

Contact Person for this submission:

Jem Pupich
West Coast Team Leader
Community and Public Health

DDI: 03 768 1170 **Email:** jem.pupich@cdhb.health.nz

Introduction

Community and Public Health West Coast, a division of the Canterbury District Health Board, is the public health unit for the West Coast. We make this submission to promote the reduction of adverse effects on the health of people and communities and to improve, promote and protect their health pursuant to the New Zealand Public Health and Disabilities Act 2000 and the Health Act 1956. As a public health service, we also have responsibilities as enforcement officers, along with the NZ Police, under the Psychoactive Substances Act 2013.

We welcome the opportunity to comment on the Westland District Council's Draft Policy on the Availability, Sale and Supply of Psychoactive Products.

We do not wish to speak to this submission.

Psychoactive Substances

"Psychoactive substances are chemicals that cross the blood-brain barrier and act primarily upon the central nervous system to affect brain function. This results in alterations in perception, mood, consciousness, cognition and behaviour. Such substances include party pills and synthetic cannabis." ¹ "Psychoactive is a term that is applied to drugs or other substances that change a person's mental state by affecting the way the brain and nervous system work. This can lead to intoxication, which is often the main reason people choose to take psychoactive drugs."²

New psychoactive substances (NPS) are also known as "designer drugs", "legal highs" and "herbal highs". They are not a new phenomenon, but have received a lot of attention in recent times because of the speed with which new substances are being developed. Synthetic cannabis is one psychoactive substance that retailed under many different product names until its sale was banned recently.

The Psychoactive Substances Act 2013

This Act came into force on the 18th July 2013. Its purpose is "to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise the harm to individuals using psychoactive products". The Act defines a psychoactive substance as "a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance". The Act establishes the Psychoactive Substances Regulatory Authority, which is administered by the Ministry of Health. The Authority is responsible for all aspects of implementation of the Act. The Act is based on principles of harm reduction and the grounds for approval of any psychoactive product include that "the degree of harm that the product poses to individuals using the product is no more than a low risk of harm" (s37). Risk of harm is assessed using a comprehensive risk assessment framework based on a review of the literature.³

Before the Act came into force, there were an estimated 3000-4000 retail outlets selling psychoactive products. There are now less than 170 licensed premises nationwide, a reduction of around 95 percent. There were also an estimated 200 products on the market prior to legislation. Nationwide, this reduced significantly with three quarters of the previously available products being banned at the time the legislation came into force. The remainder were granted interim approval. A further five products were banned in January 2014 after evidence that they posed more than a low risk of harm. A further six products had their interim approvals revoked on 1st May 2014 on the same grounds. However, mounting concerns about the adverse health effects of these products led to the passing of the Psychoactive Substances Amendment Act which had the effect of banning the sale or possession of any approved psychoactive substance with effect from 8th May 2014. The process for applications for approval of products for sale was also suspended pending the development of regulations.

This means that for the time being, there are no psychoactive substances approved for sale in New Zealand.

"The Ministry is currently developing regulations. The regulations covering product approvals are expected to take effect in the next few months. From this time product approval

applications will be able to be received by the Authority. While it is up to applicants to decide when to make applications, it is anticipated the process could take up to 24 months."

<http://www.health.govt.nz/our-work/regulation-health-and-disability-system/psychoactive-substances-regulation/psychoactive-substances-frequently-asked-questions> (accessed 24 September 2014)

All license holders are now subject to active and on-going scrutiny by police and public health services in conjunction with the Authority. Further information on licences and psychoactive products is available on the Ministry of Health's website.

Local Approved Products Policies

The Psychoactive Substances Act 2013, sections 66-69, allows local authorities to adopt a Local Approved Products Policy (LAPP) to determine the location of retail premises that are licensed to sell psychoactive products and the proximity of such premises to other such licensed premises and other types of premises, such as schools.

Unlike the case of alcohol retail outlets, there is a lack of direct evidence linking harm from psychoactive substances to the availability and density of outlets selling these products and their proximity to sensitive locations such as schools, churches, and community facilities. Nonetheless, there is considerable public support for restrictions on outlets for potentially harmful substances and, in the absence of specific evidence about the location of psychoactive substances outlets, it is reasonable to draw on the findings of studies of alcohol, fast food and gambling outlets to inform the development of a Local Approved Products Policy. These studies find in general that:

- Increased availability is likely to lead to increased consumption/use and to be associated with greater rates of the relevant harms
- Outlets tend to be more readily available in disadvantaged areas
- Disadvantaged populations, children and young people are more likely to be affected by being exposed to these substances/activities

Approved Products Retailers in the Westland District

At present there are no retailers in the Westland District who have a licence to sell psychoactive substances. There is one licensed retailer in the Grey District. Planet Funk has been operating in Greymouth for around seven years and was issued with an interim licence to retail psychoactive substances by the Psychoactive Substances Regulatory Authority. One other Greymouth retailer did apply for an interim licence and operated a premise in central Greymouth for just 11 days before closing in response to public opposition.

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Community and Public Health's position

Community and Public Health congratulates the Westland District Council for drafting and consulting on a proposed policy, and for their concern for the health and wellbeing of its residents of all ages. Psychoactive substances are an issue for people of all ages, not just for young people. Despite the fact that there are currently no psychoactive substances approved for sale, it is appropriate to think ahead.

The following comments refer to the specific parts of the Westland District Council's draft Availability, Sale and Supply of Psychoactive Products Policy.

1. *To limit outlets selling psychoactive substances to commercial areas.*

CPH **supports** this restriction.

2. *To allow no outlets selling psychoactive products within residential areas and within a radius of more than 250 metres of a school, preschool, reserve or church.*

CPH **supports** limiting the location of licensed psychoactive substance outlets to an area away from residential areas.

3. *To allow no outlets selling psychoactive substances in any other towns such as Franz Josef Glacier or any rural areas of Westland.*

CPH **supports** this restriction.

4. *To ensure that no retail outlet selling such products is located within a radius of 250 metres from another approved outlet for such products.*

CPH **supports** this restriction.

5. *New outlets wanting to be established can only be established in the Hokitika Central Business District and then only in the areas bordered by Weld Street, Revell Street, Hamilton Street and Sewell Street. (See area bounded by the red line in the attached map) No other locations in the Westland District will be permitted by the Council.*

CPH **supports** limiting the location of licensed psychoactive substance outlets to the Hokitika CBD. We would also support a more restricted area and suggest the area bordered by Weld, Revell, Hamilton and Tancred Streets. This would mean that outlets could not then be located near three other potentially sensitive sites: Poutini Waiora, the Library and the Regent Theatre (which the draft policy would allow). The inclusion of a map with the policy makes it very clear where any retailers would need to be located.

It is important for Council to note, however, that in setting its Local Approved Products Policy under the provisions of s66-69 of the Act it cannot restrict that area in which retailers of approved psychoactive substances can be located to such an extent that it has the effect of a de facto ban.

We would also encourage Council to remember that, although it is not covered by the Psychoactive Substances Act 2013, alcohol is a much more widely-used psychoactive substance than synthetic cannabis in our community. We would urge Council to continue to work towards a Local Alcohol Policy under the Sale and Supply of Alcohol Act 2012 as soon as possible, as the harm done by alcohol in the Westland District is considerable. It is important to note that if alcohol was placed within the psychoactive products risk assessment framework the reported adverse effects of acute alcohol use would produce a risk score that is greater than 2, i.e. it poses more than a low risk of harm.

References

1. Kiddle, E. 2013. Public Health Service Submission on Draft Tasman District Council Local Approved Products Policy. Nelson Marlborough District Health Board.
2. Hartney, E. 2011. What is psychoactive?
Available: <http://addictions.about.com/od/substancedependence/q/psychoactive.htm>
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3. The safety assessment of psychoactive products. A report to the Psychoactive Substances Regulatory Authority, October 2013.
Available <http://www.health.govt.nz/system/files/documents/pages/safety-assessment-psychoactive-products-v3.pdf>
Accessed 21/04/2014
4. Bidwell S. Evidence relating to the density and location of outlets that sell potentially harmful substances and association with harm. Community and Public Health, Canterbury District Health Board, January 2014



WESTLAND
DISTRICT COUNCIL



Derek Blight
Community development Advisor
Westland District Council
36 Weld St
Hokitika 7810

District Library
20 Sewell Street
Private Bag 704
Hokitika 7842
New Zealand

T. 03 755 6208
F. 03 755 6209
E. library@westlib.co.nz
W. www.westland.govt.nz

2 October 2014

Dear Derek,

Re: Submission to the Council regarding the Availability, Sale and Supply of Psychoactive Products Policy

As Library Manager of the Westland District Library I would like to register my concern regarding the suggested area in Hokitika's CBD where outlets would be able to sell psychoactive products.

This area is directly opposite the library. Children of all ages congregate outside the library on weekdays after school and often at the weekend to use their mobile devices to connect to the free wifi.

My worry is that children would be easily tempted to try and purchase these psychoactive products as any possible outlet would be so visible from the library.

A suggestion would be to reduce the area bounded by the red rectangle on the map to one block between Revell and Tancred Street.

Thank you for considering this submission.

Regards

Sarah Thompson
Library Manager

FOR THE WILD AT HEART...

Availability, Sale and Supply of Psychoactive Products Policy

Westland's Vision involves the community and the stakeholders.

This is achieved by consulting with the community and developing policy on topical issues that affect the community.

Purpose

The purpose of this Availability, Sale and Supply of Psychoactive Products Policy is:

- To restrict the availability, sale and supply of psychoactive products within the Westland District, in line with the provisions of the Psychoactive Substances Act 2013.
- To recognise that the Act aims to regulate the availability of psychoactive products to protect the health of and minimise risk to users.

Background

- The Act is based on the realisation that some products may, in the future, be on the market again after being tested.
- The Act provides for local authorities to express their preferences about the location of retail premises where such products can be sold. It can restrict the location of retail premises by reference to:
 - a. Broad areas of the District
 - b. Proximity of other premises selling such products
 - c. Distance from educational and religious facilities

Aims of the Policy

1. To limit outlets selling psychoactive substances to commercial areas.

2. To allow no outlets selling psychoactive products within residential areas and within a radius of more than 150 metres of a school, preschool, reserve or church.
3. To allow no outlets selling psychoactive substances in any other towns such as Franz Josef Glacier or any rural areas of Westland.
4. To ensure that no retail outlet selling such products is located within a radius of 150 metres from another approved outlet for such products.
5. New outlets wanting to be established can only be established in the Hokitika Central Business District and then only in the area bordered by Weld Street, Revell Street, Hamilton Street and Tancred Street.

Reason for Westland District Council Imposing These Restrictions

- The Act clearly allows local authorities to impose restrictions on where outlets can be located and for distance restrictions between such outlets. Council welcomes this as a means of keeping outlets away from children and young people. It is on that basis that Council has based its policy on the aim of ensuring a 150-metre restriction zone from schools and excluding areas predominantly used for residential and educational purposes where children and young people spend most of their time.

Benefit and Enforcement of the Act

- The Act provides Westland District Council with the ability to develop a policy to provide for local needs.
- Enforcement and monitoring of the Act is carried out by Police and the West Coast District Health Board in conjunction with the Psychoactive Substances Regulatory Authority.

Application of the Policy

- This policy will become effective on the day following it being finally approved by Westland District Council.
- This policy may be reviewed by the Westland District Council at any time, following future changes to the Psychoactive Substances Act.



Map of Hokitika showing buffer zones of 150m around schools and Cass Square

Buffer zones	Location in Hokitika
Yellow Zone	150 metres around St Mary's School
Pink Zone	150 metres around Cass Square
Green Zone	150 metres around Westland High School
Blue Zone	150 metres around Hokitika Primary School

The area bounded by the red rectangle in the map shows the only block in Hokitika's CBD where an outlet could be established. All other areas in Hokitika are too close to schools, beach or river reserves or residential areas.

Report



DATE: 30 October 2014

TO: Mayor and Councillors

FROM: Group Manager: Planning, Community & Environment

DRAFT SIGNIFICANCE AND ENGAGEMENT POLICY FOR CONSULTATION

1.0 SUMMARY

- 1.1** The purpose of this report is to seek Council approval to begin public consultation about the draft Significance & Engagement Policy (SEP).
- 1.2** This issue arises from the introduction of the requirement for the Council to adopt a SEP as part of the 2014 amendments to the LGA.
- 1.3** The LGA requires that a SEP be adopted by each Council by 1 December 2014. Due to the timeframes that the Council now has available it will not be able to meet this deadline, however it may be able to adopt the SEP at its December Council meeting. Audit New Zealand has been advised of this expected non-compliance.
- 1.4** The SEP is a part of the Council obligations under the Local Government Act 2002 to introduce a Long Term Plan 2015/25. The matters raised in this report have therefore been related to those elements of the *proposed* LTP vision as identified:

Vision's Objectives	Achieved By
Delivery of sound policy	The SEP has been drafted using SOLGM guidance and in consideration of local district variables and needs.
Involving the community and stakeholders	The draft SEP is based upon information that is known already about community preferences for engagement and will be consulted on using the Special Consultative Procedure.

- 1.5 This report concludes by recommending that Council approve the draft SEP for public consultation.

2.0 BACKGROUND

- 2.1 The Council is currently preparing the LTP 2015/25. A preliminary step is to review current policies and introduce a new Significance and Engagement Policy, which in effect replaces and extends the current “Significance Policy” that the Council adopted in 2004 and reviewed in 2006.
- 2.2 It is a legislative requirement that the SEP be adopted by 1 December 2014. As stated in point 1.3 above, Council will not be able to meet this deadline, however staff are hoping to bring the SEP back to the Council for adoption at its December 2014 meeting. This will of course depend on the timely resolution of any submissions received.
- 2.3 When the Council considers the adoption of the SEP at its December meeting, the staff report will seek that the current Significance Policy be revoked and that the Council agenda template is amended to include engagement requirements.

3.0 CURRENT SITUATION

- 3.1 A 2014 LGA amendment identified the need for Councils to more clearly articulate the relationship between its decision about how significant a matter is and how it would then engage with its community about the matter. The SEP will provide both the Westland District Council and the Westland community with an accountable decision making framework to do this.
- 3.2 The Council’s existing Significance Policy formed the basis of this policy. Other Councils Significance and Engagement Policies have been referred to as has the SOLGM guidance notes.
- 3.3 This policy will replace the existing Significance Policy. The existing policy contains information about consultation which has not been carried through to the new policy (as consultation is covered under a separate existing policy about ‘Consultation’). The Strategic Assets listed in the original policy have been carried forward and updated. The direct relationship between significance and engagement has been added.
- 3.4 The existing Consultation Policy will remain. This policy does not repeat that information contained in the Consultation Policy nor does it conflict.

- 3.5 This draft policy has been written with substantial input from the Executive Team and some staff.
- 3.6 One Councillor provided feedback at the initial stages of the drafting of the policy and the comments about ensuring that the scale and resources for engagement matches the significance of a matter have been included.
- 3.7 A workshop was held for Councillors on 20 October and more feedback was provided which has been taken into account.

4.0 OPTIONS

The Council can:

- 4.1 Approve the draft SEP (as attached to this report) for public consultation.
- 4.2 Choose to approve an amended version of the attached draft SEP for public consultation.
- 4.3 Seek that the draft SEP not be publicly notified at this time and provide a reason for this decision and further instructions to staff about how to proceed.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 The LGA Special Consultative Procedure is not mandatory for the introduction of this policy so the Council will use a consultation approach suitable to the scale of the matter. This will include a public advertisement in the local newspaper, information on the website and distribution of written information to key stakeholders in the District.
- 5.2 A one month submission period will be offered.
- 5.3 Staff have drafted the SEP with a high level of confidence that it sets out an open and honest approach toward Council undertaking good engagement practices in the future.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Approval to publicly notify the attached or an amended version of the attached SEP at this time will enable the preparation of the LTP to progress. The entire LTP project is running to a tight timetable and delays in completing project elements may impact on the Council achieving other LTP deadlines.

- 6.2** A decision to delay the commencement of public notification will not have a direct financial implication on the Council or community, however it will further exacerbate the fact that the Council is already not expecting to achieve the LGA deadline for adopting the SEP by 1st December 2014.

7.0 PREFERRED OPTION(S) AND REASONS

- 7.1** The preferred option is that the Council approve the draft SEP (as attached to this report) for public consultation, as the SEP accurately reflects good practice suitable to the Westland District.

8.0 RECOMMENDATION

- 8.1** **THAT** the Council approve the draft SEP (as attached to this report) for public consultation during November 2014.

Karen Jury
Corporate Planner

Appendix 1: Draft Significance and Engagement Policy (SEP)

DRAFT SIGNIFICANCE & ENGAGEMENT POLICY (SEP)

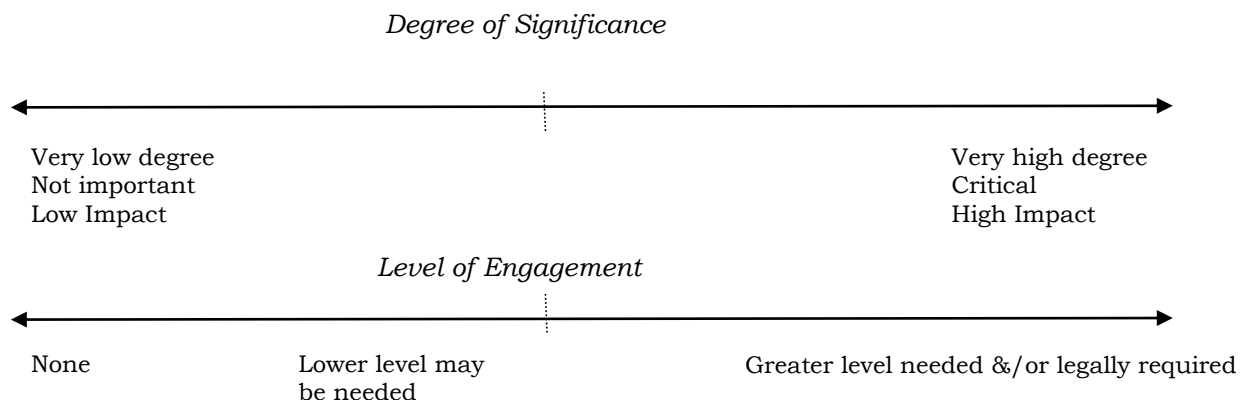
Part I

PURPOSE

The purpose of the Westland District Council's Significance and Engagement policy (SEP) is –

- To enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
- To provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters.
- To articulate the relationship between the significance of a matter and the corresponding level of engagement of parties that is required.

The Council believes in the importance of having a (SEP) as it provides a useful and accountable decision making framework for both the Council and the community.



Significance, in respect to this policy, is the degree of importance of an issue, proposal or decision as assessed by the local authority, in terms of its likely impact on and likely consequences for –

- The district or region.
- Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter.
- The capacity of the local authority to perform its role, and the financial and other costs of doing so.

A matter will be determined “*Significant*” if it has a “*high degree of significance*”. This is in accordance with the Local Government Act, section 5.

Engagement, in respect to this policy, is a process that can be undertaken at the outset, throughout, or at points during a decision-making process in order to inform the Council and to allow potentially affected parties to identify options for addressing the matter.

The Local Government Act 2002 definition and/or use of the terms “significant”, “significance” and “engagement” apply in regard to this policy. Unless otherwise stated, common dictionary definitions apply for other terms in this policy.

The Council has a Consultation Policy in place (adopted in 2005 and reviewed in 2012). Consultation is a process that generally occurs after a proposal has been formed i.e. the Council shares the formed proposal with parties and receives final feedback. A decision can then be made. Consultation is an additional requirement under legislation, including the Local Government Act, Resource Management Act, Reserves Act, Rating Act and Land Transport Management Act. This SEP does not replace the Council’s legal responsibility to consult.

GENERAL APPROACH

- Council’s decision-making about the degree of significance of an issue, proposal or decision will be guided by Part II of this Policy.
- Council’s engagement practices will be guided by Part III of this Policy.
- Whenever a matter of a high degree of significance is identified, the Council will undertake what it considers to be a corresponding high level of engagement about the proposal. The Council may choose to undertake engagement on occasions other than when a matter has been determined to be of high significance. In this instance it will justify why it is choosing to do so.
- The Council will also determine whether the Local Government Act Special Consultative Procedure (SCP) will be required. The SCP procedure is triggered if a matter is of a high of significance. The SCP is also stated as a requirement to follow within other sections of the Local Government Act and within other legislation.

Part II

DETERMINING SIGNIFICANCE

As per the Local Government Act, section 5; a matter is “significant” if it has been determined to have a high degree of significance. The following list provides key questions that will help assess the overall degree of significance of a matter:

- Does it involve a Council strategic asset? The Local Government Act states that it is a significant decision to transfer ownership or control, or to construct, replace or abandon a strategic asset.
[The Council’s *Strategic Assets* are listed below].

- What is the impact on Council's levels of service, rates and/or Council debt? How will the action or decision promote the Council's Vision or other priorities of Council, and to what degree?
- What is the degree of impact on the community, individuals or groups?
- Is there a likely impact on Maori cultural values and their relationship to land and water?
- Is there a high degree of public interest?
- Could the action or decision have significant consequences? The action itself may be minor but what will the outcome be.
- Is it a reversible decision? The more difficult an action or decision is to reverse, generally the higher the significance is.

Council's Strategic Assets:

The Local Government Act, section 76 AA (3) requires that the SEP must list the assets considered by the local authority to be Strategic Assets. These assets must be considered to be of high significance and as such corresponding engagement and consultation practices followed by the Council if transfer ownership or control of a strategic asset, or a decision to construct, replace or abandon a strategic asset is proposed.

The Local Government Act, section 5, defines Strategic Assets as being the asset or group of assets held (owned) by the Council that it needs to retain if it is to maintain the capacity to achieve or promote an outcome that it determines to be important to the current or future well-being of the community.

- 100% Ownership of Westland Holdings Limited
- Hokitika Airport
- All urban roads, rural roads, bridges, footpaths
- All reticulated water supplies and water reticulation
- All wastewater schemes and wastewater reticulation
- All stormwater systems and stormwater reticulation
- All Elderly person housing units
- Cass Square
- All Community Reserves
- All Community Halls
- All Community Domains
- Hokitika Cemetery
- Kumara Cemetery
- Ross Cemetery
- Hokitika Museum/Carnegie Building

- Public Toilets
- Jackson Bay Wharf
- Westland District Library
- Council Headquarters
- Hokitika Swimming Pool
- Ross Swimming Pool

Part III

ENGAGEMENT EXPECTATIONS

The Council will engage with parties *unless* it is unnecessary, inappropriate or impossible to do so. That is; a case must be proven in order to decide to not engage and it may be because of one or more of the following factors:

- The Council can demonstrate that it already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter
- There is a need for confidentiality or commercial sensitivity
- The costs of engagement or consultation outweigh the benefits of it
- The matter has clearly already been addressed by the Council's policies or plans, which have previously been consulted on
- An immediate or urgent response or decision is needed so that it is not reasonably practicable to engage
- Works are required unexpectedly, or following further investigations, on projects that have already been approved by the Council
- It is business as usual i.e. the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place.

In instances where active engagement with parties is not going to occur, Council officers still must give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter.

Appropriate Forms of Engagement

The Westland District encompasses a large geographic area; townships can be several hours drive from one another and there are many dispersed rural communities. This impacts on how the Council can effectively hold conversations with its citizens.

Ngai Tahu Iwi is an important identity to engage with over many matters as are the two Runanga within the Council District boundaries; Te Runanga o Ngati Waewae and Te Runanga o Makaawhio. The Council's relationship with Westland Iwi and Runanga should remain fluid and evolve in accordance with these organisations' preferences. Although all of the SEP processes do include the engagement of Iwi and Runanga, a separate and more specific policy or agreement should also be developed with Iwi and Runanga about different kinds of Council decision-making.

The Council must also be mindful of tangata whenua in the District and whether an issue could be of importance to Maori people.

The Council believes it is important that it has a presence across the District and in particular that elected representatives and staff are active in all of its communities. Successful engagement exercises have been achieved when they were structured around having the conversations in the community that the issue affected, rather than expecting the community to come to Hokitika. If it is a District wide issue then careful consideration is required about how best to distribute messages and be positioned to receive feedback.

The West Coast does not have broadband internet coverage across the entire District so this limits electronic communications.

In determining appropriate forms of engagement, the Council will:

- Recognise the relationship between determining the significance of an issue and the level and type of engagement that will be required.
- Select engagement processes and methods that are appropriate to the stakeholders that will be involved (including the public's time commitment and travel requirements, location of information and/or meetings).
- Ask potentially interested parties if they consider themselves to be stakeholders and/or how they would like to provide input into the development of the proposal.
- Be responsive to new methods identified by stakeholders for better engagement.
- Bear in mind Council and other agency engagement initiatives that are underway, planned or likely to occur soon in the District. Combined initiatives will be utilised where appropriate so as to achieve efficiencies and avoid the public experiencing engagement / consultation fatigue.
- Determine whether the Council already holds relevant information from the public or key stakeholders about the matter (from previous engagement or consultation efforts) and can utilise it instead of initiating another round of conversations.
- Recognise the possible role of stakeholders and contacts Council already has a relationship with, including the Iwi, Runanga, resident and community associations, business and industry representative groups.
- Provide reasonable access to free information and reasonable methods for the public and key stakeholders to be able to respond (timeframes and suitable forms of submission).

- Consider the best use of Council money and other resources to achieve the chosen engagement plan.

Part IV

PROCEDURE

The procedure for determining the level of significance and the corresponding engagement required:

1. In the first instance Council Officers will be responsible for assessing a matter to determine its level of significance, in accordance with Part II of this Policy.
[To facilitate this operational process, the Council may choose to provide staff with a template, separate to but based upon Part II of this policy].
2. Council Officers will then consider the corresponding extent and type of engagement that should occur, in accordance with Part III of this Policy. In general, the more significant an issue, the greater the need for community or stakeholder engagement.
3. Any matter will be reported to the Council if it requires a Council decision to be made. The report will include –
 - a. A summary of the assessment of significance.
 - b. A recommendation about the extent and type of community or stakeholder engagement that should occur.
 - c. In addition, if the Local Government Act specifically requires that the Special Consultation Procedure is followed then the report must state this i.e. if an action or decision will significantly alter the intended level of service provision for any significant activity (including a decision to commence or cease such activity) and/or significantly affect the capacity of Council, or the cost to Council, in relation to any activity in the LTP.
 - d. A recommendation about other consultation processes that must be adhered to.
4. For any matter put to the Council in an Officer report, the Council will in its resolution –
 - a. Confirm the degree of significance of the matter.
 - b. Have regard to Council resources by ensuring that any engagement action recommended is in proportion to the significance of the matter.

THIS POLICY MAY BE AMENDED FROM TIME TO TIME

If the Council wants to amend this policy, it will consult in accordance with the Local Government Act, section 82, unless a decision is recorded that it “considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.”

DEVIATION FROM THIS POLICY

If the Council wishes to deviate from this policy it will follow the requirements of the Local Government Act, section 80, clearly identifying the inconsistency and the reasons for not following this policy, and stating any intention to amend the policy to accommodate the decision.