

Extra-ordinary Whangarei District Council

Notice of Meeting

A extra-ordinary meeting of the Whangarei District Council will be held in the Council Chamber, Forum North, Whangarei on:

**Thursday
22 May 2014
1.00pm**

Committee

Her Worship the Mayor (Chairperson)
Cr S J Bell
Cr S J Bretherton
Cr C B Christie
Cr P A Cutforth
Cr S J Deeming
Cr S M Glen
Cr C M Hermon
Cr P R Halse
Cr G C Innes
Cr G M Martin
Cr B L McLachlan
Cr S L Morgan
Cr J D T Williamson

1. Hearings on the Draft Psychoactive Substances Policy

Reporting officer Owen Thomas (Community Services Manager)

Date of meeting 22 May 2014

Vision, mission and values

This item is in accord with Council's vision, mission and values statement as it contributes to building a safer district, an important part of developing a thriving district that is the envy of New Zealand and recognised worldwide.

Introduction

The purpose of this report is to present all of the submissions received by Council on the proposed Psychoactive Substances Policy. A number of these submitters have requested to speak to their submission. A copy of each submission is attached. The submissions, and those that have been requested to be heard, are from individual residents and individuals who represent organizations and businesses.

Background

The Psychoactive Substances Act 2013 (the Act) came into effect on 18 July 2013. The Act provides for the establishment of the Regulatory Authority. The Regulatory Authority is responsible for the Licensing and enforcement functions of the Act. The Act permits territorial authorities to develop a Locally Approved Products Policy (LAPP), sections 66 - 69 of the Act. The LAPP will be considered by the Authority when determining applications for licenses.

On 26 February 2014 Council adopted a statement of proposal for the consideration of adopting a policy on psychoactive substances. The adoption of this proposal was also to seek submissions on the proposed policy in accordance with the special consultative procedure as provided in Section 83 of the Local Government Act 2002. The use of the special consultative procedure is a requirement of the Psychoactive Substances Act 2013.

The Draft Policy

Whangarei District Council's (WDC) Draft Psychoactive Substances Policy provides a document that could advise the Psychoactive Products Regulatory Authority, on:

- I. Location
- II. Density and proximity
- III. Recommends hours within the Whangarei District.

The location provided by this draft policy is:

- Along Albert Street, from the intersection with Walton street to the intersection with Lower Cameron Street
- Along Lower Cameron Street, from the intersection with Walton Street to the intersection with Albert Street
- Along Clyde Street, From the intersection with Clyde Street to the intersection with Albert Street
- This excludes service lanes.

The proximity from one retailer to another is limited to 300 linear metres following the road layout within the approved zone. Those roads being:

1. Albert Street
2. Lower Cameron Street
3. Clyde Street.

Council recognises that the Act is silent on the inclusion of hours within a LAPP but it requests the Regulatory Authority to recognise this when granting a licence within the Whangarei District. The draft policy proposed that appropriate operating hours for an approved retailer should be from 10am – 2pm and from 6pm – 8pm.

The Submissions

The Local Government Act requires a minimum of a month be provided for the Special Consultative Procedure and WDC allocated nearly six weeks, starting on the 3rd of March and finishing on the 11th of April 2014.

Attachment 1 provides a list of all submissions received. 74 submissions were received during the submission period and six submissions were received after the submission period. Of the 80 submissions received in total a number of submitters wish to speak to their submissions.

With a range of issues being considered within this draft policy it was often not a clear case of 'support or oppose' but more often than not submitters shared constructive feedback to achieving the objectives of the policy. Much of the constructive feedback received related to the content of future regulations rather than the draft policy.

In summary 28 of the 74 submissions delivered an unclear submission, that is the content of the submission and did not relate to the three aspects of the draft policy – location, proximity and/or hours, nor did it state a position of support or opposition for the draft policy.

From the other 46 submissions received:

- 5 of the 74 submissions provided a clear statement in support or opposition of the draft policy.
- 41 of the 74 submissions provided feedback that related to the three aspects of the draft policy.

While not related to the content of the draft policy it should be noted that 32 of the submissions stated they wanted psychoactive substances banned. This was not a question that was asked in the submission process but many of the submissions received had strong views on the place of these products in communities. 39 submissions were not specific on this point and three were in support of the retailing of psychoactive substances.

As stated above, six submissions were received after the closing date for submission period on the draft policy. Of these submissions four of the six were unclear on their support or opposition for the policy, one was a clear statement in support of the draft policy and one provided constructive feedback. Also, five of the six submissions were in favour of banning psychoactive substances, the other was not specific on this point.

Therefore, including the late submissions:

- 32 of the 80 submissions delivered an unclear submission.
- 6 of the 80 submissions provided a clear statement in support or opposition of the draft policy.
- 42 of the 80 submissions provided feedback that related to the 3 aspects of the draft policy.

Recommendation

1. That this report be received
2. That the submissions identified as being received after the close of the submission period be accepted for consideration by Council.
3. That the submissions relating to the Draft Psychoactive Substances Policy be received and heard.

Attachments (under separate cover – contact Senior Meeting Co ordinator)

Submissions