

Location of Approved Psychoactive Substance Sales Points Policy Review 2020

Statement of Proposal

Background

In accordance with the Psychoactive Substances Act 2013, the Council elects to have a policy on the location of points of sale for approved psychoactive substances. Synthetic cannabis is an example of a psychoactive substance. An approved psychoactive substance sale point is a place that sells psychoactive substances as defined by the Psychoactive Substances Act 2013.

While Council cannot prohibit the sale of approved psychoactive products, a policy enables Council (after consultation with its community) to restrict the geographical location of premises selling approved psychoactive products within Napier, including their proximity to other premises selling such substances and their proximity to premises of a particular kind e.g. kindergartens, early childhood centres, schools, places of worship, or other community facilities.

The policy is due for review no longer than every five years.

The Proposal

Council considers that its existing policy (restricting points of sale to Inner City Commercial Zone, restricting the location of points of sale from being within 100 metres of certain sensitive communities, and requiring points of sale to be a minimum of 300 metres apart from each other) is fit for purpose. As a result, the proposed policy provides for a continuation of the status quo in regards to the location of approved psychoactive substance sales points.

However, Council are proposing the following amendments to the policy:

1. To strengthen the purpose and clause relating to the distance permitted from sensitive communities to include any existing area where vulnerable members of our community congregate and where sensitive communities are located, and includes childcare centres, schools, libraries or places of worship.

Have your say: Before making any final decisions on this policy, we'd like to have your input. Submissions may be made between 18 January and 17 February 2021. You can make a submission:

- Online submission: www.sayitnapier.nz;
- Post: Napier City Council, Private Bag 6010, Napier 4142; or
- Delivering your submission in person to the Customer Services Centre, Dunvegan House, 215 Hastings Street, Napier.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.

Reasons for the proposal

The negative effects of psychoactive substances are well documented. Council would like to control the locations of approved psychoactive substance sales points within Napier:

1. To minimise the potential for adverse effects from the sale of approved psychoactive products in residential, tourism and industrial areas.
2. To minimise the potential for harm to vulnerable members of our community and for sensitive communities from the sale of psychoactive products.

While there are no products approved for sale in New Zealand currently and no sales points in Napier, there is no guarantee this situation will continue. It is prudent for Council to have a policy in place to protect certain parts of the community from any possible harm arising from approved products in the future.

Proposed changes to the wording have been marked in red in the draft policy attached to this Statement of Proposal.

Analysis of options

1. Location of Approved Psychoactive Substance Sales Points

The Council, in consultation with the community, have the opportunity to minimise potential harm to vulnerable members of our community and sensitive communities through restrictions on the location of approved psychoactive substance sales points. The Council considered the following options in relation to locations of sales points:

Options	Benefits	Disadvantages
1. <i>Status quo – restrict sales to Inner City Commercial Zone with further restrictions around the proximity to similar premises and vulnerable and sensitive communities</i>	Keeps sales points away from residential, tourist and industrial areas and vulnerable and sensitive communities	Sales points permitted within Napier's CBD
2. <i>Lift proximity restrictions to similar premises, allow sales in other areas of the city</i>	Increased commercial opportunities for sellers	Greater level of potential harm to community, harm spread across areas of Napier where it is difficult to monitor.
3. <i>Allow the policy to lapse/have no policy</i>	Increased commercial opportunities for sellers. No cost to council for policy development and management.	Sales Points may be licensed to sell from anywhere in Napier causing unregulated spread. Significant risk of harm to the community. Normalises the use of psychoactive substances. Fails to provide Ministry of Health guidance from the community on where sales points are best located.

Draft Location of Approved Psychoactive Products Sales Points Policy			
Approved by	Council		
Department	City Strategy		
Original Approval Date	1 December 2013	Review Approval Date	
Next Review Deadline	1 December 2018	Document ID	
Relevant Legislation	Psychoactive Substances Act 2013		

Purpose

1. To minimise the potential for adverse effects from the sale of approved psychoactive products in residential, tourism and industrial areas.
2. To minimise the potential for harm to **vulnerable and sensitive sections of our community** (such as places of worship, family focussed and child focussed areas) from the sale of psychoactive products.

Policy

1. Location of Psychoactive Substances Sales Points:

The location of points of sales of psychoactive substances are restricted by this policy to the Inner City Commercial zone as defined by the Napier City Council District Plan and illustrated in the map below.

They are not permitted to be within 100 metres of any existing **area where vulnerable or sensitive sections of our community congregate and includes** childcare centres, schools, libraries or places of worship.

Points of sale for approved psychoactive products must be located a minimum of 300 metres apart from each other.

Note: Separation distances are to be measured between the centre points of each premise in question.

Policy Review

The review timeframe of this policy will be no longer than every five years.

Document History

Version	Reviewer	Change Detail	Date
	To be populated		



Hastings DC, LINZ, Napier City Council

Location of psychoactive substances sales points