



**PROPOSED LOCAL APPROVED
PRODUCTS POLICY 2015
(PSYCHOACTIVE SUBSTANCES)**

STATEMENT OF PROPOSAL

INTRODUCTION

The Psychoactive Substances Act 2013 allows a territorial authority to have a Local Approved Products Policy, which may restrict the broad areas in which a retail premises can be located, the density of such retail premises and their location near similar retail premises and to sensitive sites e.g. schools and pre-schools, community facilities and places of worship.

This Statement of Proposal advises the proposed content of a Queenstown Lakes District Council Local Approved Products Policy 2015 (LAPP).

The Psychoactive Substances Act 2013 (“the Act”) commenced on 18 July 2013 and regulates the importation, manufacture and supply of psychoactive substances, which are the active ingredients in “legal highs” - party pills, energy pills and herbal highs.

The Psychoactive Substances Act 2013 established a new system of control regarding the sale and supply of psychoactive substances (legal highs). The Act requires anyone intending to sell psychoactive substances to apply for a licence to the Ministry of Health Psychoactive Substances Regulatory Authority (the Authority), taking into account a Local Approved Products Policy, if one exists.

The Act allows Council to develop a Local Approved Products Policy (“the Policy”). This LAPP is intended to provide the Psychoactive Substances Regulatory Authority with guidance as to the location where the Council considers it is not appropriate for these products to be sold.

There are some important facts to keep in mind:

- Psychoactive products approved by the Ministry of Health are a legal product, and their sale is legal (where a licence has been granted).
- Licences are issued by the Psychoactive Substances Regulatory Authority (the Authority).
- The regulation of retail premises selling psychoactive substances (including the location) is enforced by the NZ Police and the Ministry of Health.
- Council has no role in the issuing of licences or enforcement.
- Under the Act, Council cannot adopt an LAPP that bans the sale of psychoactive products.

There is currently a moratorium on the licensing of psychoactive products for retail sale, however this is anticipated to be lifted in mid to late 2015. Adopting a LAPP before the moratorium is lifted will maximise the effectiveness of the LAPP.

If there is no LAPP in place, the retailers of psychoactive substances that meet the new testing regime (when established), would be outside of the Council’s ability to control the location for the retail sale, who could be located anywhere within the district (subject to the District Plan).

Policy Objectives

The Council’s objectives for the LAPP are to:

- Protect the health of, and minimise harm to, individuals who use psychoactive products;
- Minimise the exposure and potential for harm to users of “sensitive sites” within the community; and to
- Ensure the Council and community have influence over the location and density of retailers of approved products across the district.

Scope of LAPP

A Local Approved Products Policy can include details to further control the location and density of premises which are licensed to sell approved products with reference to:

- broad areas (e.g. Town Centre); and
- the proximity to other premises from which approved products are sold; and
- the proximity to sensitive premises or facilities of a particular kind e.g. schools and a place of worship.

Pre-consultation discussions specified that a buffer distance between premises able to sell approved products should be maximised to control the density of premises locations. The LAPP proposes that retail premises may not be grouped, and that they should be separated by a minimum distance of 50 meters.

The pre-consultation also identified that there should be a buffer with sensitive locations (e.g. schools). Sensitive locations are identified in Schedule 2 of the proposed LAPP.

When considering the 'buffer' distances it is considered that products will be consumed within proximity to purchase locations and that medical or other public disorder incidents may occur where products are consumed. Therefore the policy also proposes to require any retail business to be located within 1km of a police station that operates 24 hours per day, 7 days per week, and within 20km of a hospital with an emergency department, to respond to any matters that may arise from the consumption of these products.

The legislation does not allow an LAPP to control:

- on-line purchase of approved products over the internet; or
- consumption of approved products; or
- opening hours of premises licensed to sell approved products; or
- the maximum numbers of premises directly (e.g. through a cap or sinking lid).

Therefore consultation on those topics will not be undertaken.

A review of the LAPP is proposed to occur every 5 years, or sooner if Council resolves to review the policy before this date.

SUMMARY OF STATEMENT OF PROPOSAL

A Summary of the Proposal containing the information required by section 83(1)(a)(ii) of the Local Government Act 2002 is included in Appendix 2 to this Statement of Proposal.

DISTRIBUTION OF THE STATEMENT OF PROPOSAL AND SUMMARY

This proposal will be distributed in accordance with Section 83 of the Local Government Act 2002, on the following basis:

- a) The Council will advertise in the Otago Daily Times, Southland Times, the Mirror and Wanaka Sun advising that the proposal exists and inviting further submissions.

Timetable for Consultation

The following dates represent the key times in the consultation programme:

24 March 2015	Council adopts the proposed policy and resolves to undertake public consultation following the special consultative procedure
25 March 2015	Advertisement in Otago Daily Times and Southland Times
25 March 2015	Advertisement in Mirror
25 March 2015	Advertisement in Wanaka Sun
30 April 2015	Submissions close
13 - 17 April 2015 (as necessary)	Submissions heard by a subcommittee of Councillors (to be confirmed)
28 May 2015	Council considers outcome of consultation process. Adoption of policy.
29 May 2015	Public notice of final decision (if Council resolve to adopt the policy) The Policy comes into effect subject to the above.

Inspection of Documents and Obtaining Copies

Copies of this proposal, summary and draft policy may be inspected, and a copy obtained, at no cost, from:

- a) Either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

Right to Make Submissions and Be Heard

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission set those submissions out in writing and submit them to the District Secretary, Private Bag 50072, Queenstown, no later than 30 April 2015. The Council will then convene a hearing, which it intends to hold during the week of 13 – 17 April 2015 (as necessary), at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

Making an Effective Submission

Written submissions can take any form (e.g. Email, letter) but we recommend your submission be made on Councils submission form. An effective submission references the clause(s) of the draft policy you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the policy cannot be considered by the Hearings Panel.

Adam Feeley
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Local Approved Products Policy 2015

APPENDIX 2 - A Summary of the Statement of Proposal