

SOUTH WAIRARAPA DISTRICT COUNCIL

19 SEPTEMBER 2013

AGENDA ITEM C7

PSYCHOACTIVE SUBSTANCES

Purpose of Report

To seek Councils approval to form a working group to investigate a joint Local Approved Products Policy.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Approves South Wairarapa District Council joining with Masterton & Carterton District Council's to formulate a joint Wairarapa Local Approved Products Policy.*
3. *Approve the establishment of a working party consisting of council members and officers.*
4. *Approve the existing Council members on the Wairarapa Liquor Working Group Crs. V Napier and J Riddell also be appointed members on the Wairarapa Psychoactive Substance Working Group. (The meetings of the Psychoactive Substance Working Group to be held immediately after the conclusion of Wairarapa Liquor Working Group meetings).*

1. Executive Summary

The Psychoactive substances Act 2013 took effect on the 18th July 2013. Any territorial authority may have a policy relating to the sale of approved products within its district. The policy can determine the location of premises from which approved products may be sold by reference to broad areas within the district.

The Act also allows for two or more territorial authorities to adopt a single local approved products policy for their district

The existing Wairarapa Liquor Working Group has considered it pertinent to formulate a joint council's policy. By taking a proactive step in restricting outlet locations, this may hopefully contribute towards minimising harm within the community from the sale of psychoactive substances (party pills).

Wairarapa Liquor Working Group considers it prudent that it should champion the formulation of a psychoactive substances policy as a joint policy for the Wairarapa.

1.1 Legal Implications

Psychoactive Substances Act sections 66-69 Local approved products policy.

1.2 Financial Considerations

None at this stage, money will need to be allocated for formulating a policy and public consultation process.

2. Appendices

Appendix 1 – Psychoactive Substances Act 2013 Local approved products policy

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Reviewed By: Murray Buchanan Group Manager Planning and Environment

Appendix 1 – Psychoactive Substances Act 2013

Psychoactive Substances Act 2013

Local approved products policies

66 Territorial authority may have local approved products policy

- (1) Any territorial authority may have a policy relating to the sale of approved products within its district.
- (2) A local approved products policy may—
 - (a) provide differently for different parts of its district; and
 - (b) apply to only part (or 2 or more parts) of its district; and
 - (c) apply differently to premises for which licences of different kinds are held or have been applied for.
- (3) No territorial authority is required to have a local approved products policy.

67 Territorial authorities may adopt joint local approved products policy

- (1) Two or more territorial authorities may adopt a single local approved products policy for their districts.
- (2) If subsection (1) applies, the 2 or more territorial authorities are to be treated in respect of the local approved products policy as if they were a single territorial authority with a single district.

68 Content of local approved products policy

- A local approved products policy may include policies on 1 or more of the following matters:
 - (a) the location of premises from which approved products may be sold by reference to broad areas within the district;
 - (b) the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district;
 - (c) the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

69 Adoption and review of local approved products policy

- (1) A territorial authority that wishes to have a local approved products policy must adopt the policy in accordance with the special consultative procedure in [section 83](#) of the Local Government Act 2002.
- (2) A local approved products policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.
- (3) A territorial authority must, as soon as practicable after adopting or amending a local approved products policy, provide a copy of the policy to the Authority.
- (4) 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.
- (5) A local approved products policy does not cease to have effect because it is due for review or is being reviewed.