

Palmerston North Local Approved Products Policy

July 2014

Palmerston North

Local Approved Products Policy

Purpose

The purpose of the Local Approved Products Policy is to determine a clear framework to guide the decisions made by the Psychoactive Substances Regulatory Authority about licence applications for premises to sell approved products in Palmerston North. This policy is made under the provisions of Section 66 of the Psychoactive Substances Act 2013 and was adopted by the Council on 30 June 2014.

Introduction and Background

The Psychoactive Substances Act ('the Act') came into force on July 18 2013. The purpose of the Act is to "regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances". The Psychoactive Substances Regulatory Authority ('the Authority'), part of the Ministry of Health, is responsible for ensuring psychoactive substances meet prescribed safety standards before they are distributed in New Zealand. The Authority is also responsible for licensing importers, researchers, manufacturers, wholesalers and retailers.

Concern has been expressed by the public health sector about the effects of the sale of psychoactive substances within the Palmerston North community. While the Act has resulted in a general decrease in points of sale throughout the City, there is also public concern about the impact of psychoactive substances, both on those who use them and on sensitive communities within the City.

The Act enables territorial local authorities to develop their own Local Approved Products Policy (LAPP), but does not require them to do so. Territorial local authorities choosing to develop a LAPP must do so in accordance with the special consultative procedure in section 83 of the Local Government Act 2002. LAPPs can provide policy on the location of premises from which approved products may be sold by reference to:

- broad areas in a district;
- proximity to other premises from which approved products may be sold;
- proximity to premises or facilities of a particular kind or kinds within the district.

The Act does not provide for a territorial authority to have a LAPP that prohibits the sale of psychoactive products within the district.

In September 2013 the Palmerston North City Council resolved to develop a local policy.

Policy objectives

The Council's objectives in developing this policy are:

- to provide guidance to the Psychoactive Substances Regulatory Authority as it considers licence applications for retail premises in Palmerston North;
- to protect the health of, and minimise harm to, individuals who use psychoactive substances and the wider community; and
- to continue to seek safe and practical solutions to problems associated with the regulation of psychoactive substances through advocacy to central government.

Scope

This policy applies to any application for a new licence, or renewal of an existing licence, to sell approved products from retail premises. This policy is additional to any requirements or obligations imposed by the Palmerston North City District Plan.

Strategic alignment

This policy supports the Palmerston North City Council vision:

Palmerston North is recognised as a vibrant, caring, innovative, and sustainable city.

This policy is also supportive of the following City Goal:

Palmerston North is a socially sustainable city where people want to live because of its safe and easy lifestyle and its many social, cultural and recreational opportunities.

Policy guidelines

The following guidelines are to inform the decisions of the Psychoactive Substances Regulatory Authority.

1.1. The location of premises by reference to broad areas in a district.

- a) The location of premises from which approved products may be sold is restricted to the area within the inner 'ring road' (the area contained within (and inclusive of) Walding/Grey Streets; Princess Street; Ferguson Street and Pitt/Bourke Streets). This area is illustrated in Map 1.

1.2. Location of retail premises in relation to other premises from which approved products may be sold.

- a) Retail premises from which approved products may be sold are not permitted within 75 metres of another retail premise from which approved products may be sold.
- b) For the purposes of 1.2 (a) the separation distance is measured from the legal property boundary of the premise.

1.3. Proximity to premises or facilities of a particular kind or kinds within the district.

- a) Retail premises from which approved products may be sold are not permitted within 50 metres of any sensitive site existing at the time the licence application is made.
- b) For the purposes of 1.3 (a) sensitive sites are any public library, public museum, public art gallery, public transport terminal, public park and sports field, and public playground, community centre, education provider, premise occupied by a social welfare agency such as Work and Income, Child, Youth and Family or similar, place of worship, medical centre, pharmacy, the Palmerston North District Court, hostel or other supported accommodation, or any other organisation providing social services for vulnerable people from its premise. Map 2 illustrates the potential impact of such a buffer, but includes an indicative rather than exhaustive mapping of sensitive sites as defined here.
- c) For the purposes of 1.3 (a) the separation distance is measured from the legal property boundary of the premise.

Advocacy

- a) The Council will advocate to the Authority for the provision of regulations which limit the opening hours of retail premises from which approved products may be sold.
- b) The Council will continue to advocate to the Authority for the development of regulations for psychoactive substances which promote the health of people in Palmerston North.

Review

This policy will be reviewed every five years as required by the Act, or at the request of the Council, or in response to changed statutory requirements.