
ORDINARY MEETING

OF

COMMUNITY, SPORT AND RECREATION COMMITTEE

AGENDA

Time: 11.30 am
Date: Wednesday, 25 February 2015
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown

Councillor Eagle (Chair)
Councillor Free
Councillor Marsh
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing public.participation@wcc.govt.nz or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

AREA OF FOCUS

The focus of the Community, Sport and Recreation Committee is to build strong, safe, healthy communities for a better quality of life. It will be responsible for social infrastructure (including social housing), social cohesion, encourage healthy lifestyles, support local community events, protect public safety, and provide a wide range of recreation and sporting facilities for residents and visitors to use and enjoy.

Quorum: 4 members

TABLE OF CONTENTS
25 FEBRUARY 2015

Business	Page No.
1. Meeting Conduct	5
1.1 Apologies	5
1.2 Conflict of Interest Declarations	5
1.3 Public Participation	5
1.4 Items not on the Agenda	5
2. General Business	7
2.1 Proposed Local Approved Products Policy Oral Hearings	7

1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.3 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

1.4 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of the Community, Sport and Recreation Committee.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor Matters relating to the General Business of the Community, Sport and Recreation Committee.

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Community, Sport and Recreation Committee for further discussion.

2. General Business

PROPOSED LOCAL APPROVED PRODUCTS POLICY ORAL HEARINGS

Purpose

1. To provide a list of submitters making oral submissions in support of their written submissions on the proposed Local Approved Products Policy (LAPP) for the sale of approved psychoactive substances.

Recommendation

That the Community, Sport and Recreation Committee:

1. Receive the information.

Background

2. The Psychoactive Substances Act 2013 (PSA) makes provision for territorial authorities to elect to develop LAPPs. The expectation is that mechanisms will be established by the Ministry of Health so that applications for retail premises in locations that are inconsistent with a LAPP will not be licensed.
3. On 23 October 2014 the Community, Sport and Recreation Committee agreed to release a consultation document seeking feedback on a proposed LAPP. The document contained three options for a LAPP and noted a preferred option. All three options involved restricting the sale of approved psychoactive substances to an area in the southern CBD. Consultation ran from 4 November to 12 December 2014.
4. In total 35 submissions were received. 11 submitters indicated they wished to be heard. Copies of submissions received from those wishing to be heard are attached at attachment 1.

Timetable of oral submissions

Time	Name and Organisation	Submission Number	Page
11.35	Jackson Wood	2	9
11.40	Bernard O'Shaughnessy	8	15
11.45	Mark Carswell, COSMIC	10	17
11.55	Aidan Work	11	21

Item 2.1

12.00	Dr Stephen Palmer, Regional Public Health	12	23
12.10	Tony Charles, The Bead Store Ltd	13	28
12.20	Clare Bowden	20	31
12.30	Mark McGuinness, Willis Bond & Co	22	35
12.40	Jack Marshall, Youth Council	28	39
12.50	Geraldine Murphy, Inner City Association	29	44
1.00	Carol Comber, Mt Cook Mobilised Coordinator	35	48

Attachments

Attachment 1. Oral Hearing Submissions

Page 9

Author	Sharon Bennett, Exec Business & Proj Support
Authoriser	Greg Orchard, Chief Operating Officer

Submitter Details

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Trade competition and adverse effects:

I could I could not

gain an advantage in trade competition through this submission

I am I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

7. Do you have any other comments?

Comments

Attached Documents

File
SubmissiontotheWellingtonCityCouncilLAPP
Options for a Local Approved Products Policy

Submission to the Wellington City Council

Proposal: Draft Local Approved Products Policy: (restricting where any legal psychoactive products may be sold in future)

Submitted by Jackson Wood

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Yes. The Wellington City Council does need a Local Approved Products Policy so that it can effectively manage where psychoactive products can be sold.

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Option three is the best possible option for Wellington as it sets the tightest area in which approved products can be sold. This area — along Cuba, Dixon, Manners, and Courtenay — is a high visibility area with many surveillance cameras, already intensely policed at risk times (Friday and Saturday nights). The proximity means there is scope for police and public health interventions if people congregate around the stores. While other options mean that the stores are not so 'in your face', it also means they are harder to police, less secure, and harder to make public health interventions in.

As the WCC proposal document sets out, option three would mean a reduction in the 'theoretical' distance between stores.

However, the majority of storefronts in the proposed area are already tenanted with businesses. Building owners and landlords are also hesitant to allow stores selling psychoactive products to move into their premises. Therefore it is unlikely that a) psychoactive product selling stores could muscle in to every third shop front in the proposed area or b) Wellington could sustain the presence of 31 stores all within 5 minutes walking distance.

While intensity of stores selling approved products is a concern, it is one which is bound by realities of available real estate and demand. This negates the Council's claim in the proposal that "providing easier access to potentially mind-altering substances, and potentially encouraging greater congregations of people wanting psychoactive substances in those areas".

In the proposal documents, it notes under option one that a distance of over 200 metres is preferred to stop clustering, but it does not say why clustering is a bad thing. In option three it does hint that it is because of access, but all the points in option 1 and 2 are already within five minutes walk from each other, which is not much of a deterrent.

The proposal documents also say that if they're closer together it may "encourag[e] greater congregations of people wanting psychoactive substances". I ask what evidence is this claim based on? Especially as the documents go to great lengths to point out that any future psychoactive substances available will not be like the ones we've previously had.

I would also point out that the in the same space as option three there are already at least 30 bars, and five off-licenses where people can purchase alcohol, with many more bars immediately around the area. Option 1 and two fan out the places where people can buy psychoactive substances across an even broader area and higher number of bars and liquor stores. In my opinion it is better to have all the approved products in one place where there can be interventions.

Finally, I prefer option three because options one and two allow stores in predominately residential areas around the bottom of Mount Victoria and the top of Cuba Street. Option three would remove stores selling approved products from predominantly residential areas completely.

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Yes. As stated above and in the Council's proposal, this area is confined, well lit, and policed.

Option three limits this space even further to areas which already are known to get rowdy.

There is no reason for these products to be sold in any of the suburbs.

There are internet sales.

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Yes. Unlike Hamilton City Council, Wellington City Council has not gone overboard and have taken a very responsible approach to what should be considered a sensitive site.

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

I support the minimum proposed distances between sensitive sites and licensed premises.

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

As a proponent of option three, I support the balance the council has struck between fulfilling the aim on the Psychoactive Substances Act and avoiding court cases from the legal highs industry.

At the moment, the proposed 60 metres between premises licensed to sell approved products would mean there could be a maximum of about 31 stores along Cuba/Dixon/Manners/Courtenay. This is opposed 25 in option one to 23 in option two.

If the Council did want to limit the number of shops further, then it could make the distance between premises 80-100 metres which will still allow for a theoretical 22 shops. As noted above, because of demand for real estate, reluctance of building owners/landlords to have psychoactive substance sellers as tenants, and market demand for these products, it is unlikely that the maximum number would be able to be reached.

7. Do you have any other comments?

It is important to remember that any new approved products that are available to be sold once regulations come into force will meet the definition of "low risk". These substances will, by definition and admission of the Ministry of Health, be lower risk than alcohol and tobacco. Because of this it is unlikely there will be "congregations of people wanting psychoactive substances" lurking outside these places any more than people already lurk around the many bottle stores in the CBD.

We should also note that the people who take these psychoactive products are people too. Just like any other legal substance that alters brain chemistry — hello alcohol — people take it for a reason. By making sure that we put the stores in a confined space and have police and public health interventions ready, we can ensure that if people do start developing problems with these substances we can provide them support and the help they need.

While there has been public outcry about the dangers of these products, and yes they are potentially dangerous, the level of harm is no where near that of alcohol.

When making this decision I urge the council to remember that while these products have caused emotive responses from the public that there are bigger problems. Option three strikes the right balance in terms of availability and control. I also urge the council to base any decision they come to on evidence and public health principles.

Most importantly, simply pushing the problem out of the main area does not actually solve the problem. It just makes it invisible. By putting stores with a licenses to sell approved products in one place it means they can be under more scrutiny than if they were selling in residential areas or spread out across the southern section of the CBD.

Thank you for considering my submission on the Wellington Local Approved Product Policy.

Regards,

Jackson James Wood

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Trade competition and adverse effects:

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Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments
Yes, of course

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments
Limit all sales to the CBD only and Wadestown

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments
No sites to be located in the Southern Area at all.

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments
Should be at least 1000 mtrs from all sensitive sites.

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

7. Do you have any other comments?

Comments
Yes, but all ratepayers believe that Officers of Council do not listen, nor take into account ratepayers or comments. Such was the secret meetings held by Council Officers and the Hospitality Trade over the booze issue. Are we to believe you now? Yes, Central Govt has let us down again with poor legislation, but then Council must ensure that legal highs are restricted as much as possible. Perhaps just sell them in Wadestown or Seatourn, where the the big users are!

Attached Documents

Submitter Details

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2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

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6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

7. Do you have any other comments?

Comments

Attached Documents

File
COSMIC Submission for Psychoactive Substances Regulations March 2014
Options for a Local Approved Products Policy

1. Do you think the Wellington City Council needs a LAPP for where premises are licensed to sell approved products?

Yes – we support retailers of approved psychoactive products being no less than 50m from designated ‘sensitive sites’. However, there is no rational basis for a harsher policy than currently applied to liquor or tobacco outlets, particularly because there will be no advertising of psychoactive products outside a store and the regulations which apply to the PSA are already more robust than those for alcohol and tobacco. It is worth considering that further restrictions are likely to be applied.

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

The three options provided present significant disadvantages for responsible licensed retailers. The restrictions applied to zoning and spacing between retailers do not take into account the strict legislation already provided by the PSA, which ensures a low risk of harm to the public, and controls on packaging, signage, advertising, display and storage of approved products. These measures alone will mean the retail environment will be significantly different than observed in the pre-PSA period. The regulations proposed in the LAPPs appear to be based on observations on the pre-PSA period.

3. Do you think the appropriate area has been chosen for where approved products may be sold (e.g. the section of the southern Central Business District in Options 1 & 2)? If possible, please identify evidence to support your views.

Yes. This area is already established for ‘night-life’ activity, and has a considerable public and Police presence as a result. By limiting the area to the CBD, potential conflict with residential communities is limited, particularly in areas which are identified as deprived (as measured by the NZ Index of Deprivation).

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Yes, but a distance of 50m would be more appropriate, as outlined in the answer to Question 2, “The restrictions applied ... do not take into account the strict legislation already provided by the PSA, which ensures a low risk of harm to the public, and controls on packaging, signage, advertising, display and storage of approved products. These measures alone will mean the retail environment will be significantly different than observed in the pre-PSA period. The regulations proposed in the LAPPs appear to be based on observations on the pre-PSA period.”

Sensitive sites should not include art features/installations considered attractive to young people such as the tuatara sculpture or the Cuba Mall Bucket Fountain, as these are arguably in place for the enjoyment of the wider public, and their proximity to alcohol and tobacco retailers is not a consideration.

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

See answer to Question 4 above.

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

50m between licensed retailers is an acceptable distance, and already more restrictive than legislation currently applied to alcohol and tobacco outlets.

7. Do you have any other comments?

It is in the best interests of the Wellington City Council to uphold the integrity of the PSA, as the legislation is already thorough in terms of restrictions to ensure public safety. The approved products will be shown to pose a low risk of harm, and the limits imposed on controlling age limits, advertising, packaging, signage, online sales, and display will be more than adequate to minimize any negative impact for the city. The trade of illicit drugs in the city will be negatively impacted, which will be a significant gain for public health measures in regards to vulnerable sectors such as at-risk youth and the homeless/transient population.

Submitter Details

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Wishes to be heard:

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Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

I don't think the Wellington City Council should have a local approved products policy.

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

7. Do you have any other comments?

Comments

Frankly, the Government has been pretty idiotic regarding the idea of lifting the ban on so-called 'legal highs'. The so-called 'legal highs' ARE dangerous drugs, which is why they should remain illegal! I have always been fiercely opposed to the legalisation of so-called 'legal highs', as the criminal gangs will get themselves involved in this despicable trade. Gangsters have caused more than enough suffering through peddling drugs. The penalties for drug peddlers in this country are pathetic. Both Malaysia & Singapore have the right idea - mandatory death penalty for drug traffickers & for drug peddlers!

Attached Documents

File

Submitter Details

First Name: Demelza
Last Name: O'Brien
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eMail: demelza.obrien@huttvalleydhb.org.nz
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Wishes to be heard:
 Yes
 I do NOT wish to speak in support of my submission and ask that the following submission be
fully considered.
Preferred hearing location:
 25 February 2015 Oral Hearings
Hearing Needs: Point of contact for hearing: Jessica Punton Public Health Advisor Email:
Jess.Punton@huttvalleydhb.org.nz Tel: 04 570 9598
Correspondence to:
 Submitter
 Agent
 Both

Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

7. Do you have any other comments?

Comments

Attached Documents

File
2014-12RPHSubmission-WCCLAPP
Options for a Local Approved Products Policy



11 December 2014

Free Post Wellington City Council
Proposal: Draft Local Approved Products Policy (COPO1)
Wellington City Council
P O Box 2199
Wellington 6140

To whom it may concern

Re: Submission on Draft Local Approved Products Policy

Thank you for the opportunity to provide a written submission on this consultation document.

Regional Public Health (RPH) serves the greater Wellington region, through its three district health boards: Capital and Coast, Hutt Valley and Wairarapa and as a service is part of the Hutt Valley District Health Board.

We work with our community to make it a healthier safer place to live. We promote good health, prevent disease, and improve the quality of life for our population, with a particular focus on children, Māori and working with primary care organisations. Our staff includes a range of occupations such as: medical officers of health, public health advisors, health protection officers, public health nurses, and public health analysts.

RPH commend the Wellington City Council on their proactive decision to restrict where sellers of psychoactive substances can be located through the development of a *Local Approved Products Policy*.

The sale and use of psychoactive substances in our community is a concern amongst community providers, parents and the police regarding adverse reactions that include psychotic episodes, continuing mental instability and insomnia. The negative health and social effects of these products requires closer monitoring and retailer compliance with the legislation.

Regional Public Health supports:

- The purpose and intent of the Psychoactive Substances Act 2013.
- Location Option 3 as points of sale of psychoactive substances.
- Reducing the number and density of premises selling psychoactive substances by setting a minimum distance between each outlet.

- Restricting the location and proximity of premises selling psychoactive substances to at least 50 metres away from kindergartens, early childhood centres, schools, places of worship, youth centres, mental health and addiction services or other community facilities.

We wish to make the following comments on sections covered in the *Draft Local Approved Products Policy*.

1. **Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?**

Yes.

2. **Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?**

Regional Public Health prefers **Option 3**.

The areas identified in option 3 are on highly visible sections of the main streets within the CBD. This ensures effective monitoring by the public, CCTV, Maori wardens, Safe City volunteers and enforcement agencies. The centrality of the areas in option 3 would encourage a high standard of operators and the density of sellers is likely to be reduced by the high business costs associated with this location.

Regional Public Health prefers that psychoactive substance premises are not located down alleyways or more remote areas of the CBD which may be a risk with options 1 and 2.

3. **Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.**

Yes.

4. **Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?**

We support the minimum proposed distances if any of the three proposed options in the Draft Local Approved Products Policy are implemented.

5. **Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?**

We support the minimum proposed distances if any of the three proposed options in the Draft Local Approved Products Policy are implemented.

6. **We also want to make the following submissions:**

This submission is in line with the pillars of the Ministry of Health's National Drug Policy for New Zealand which includes supply control, demand reduction and problem limitation strategies.

Protecting the people most at risk of harm from psychoactive substances can be minimised by reducing access to psychoactive substance retailers near sensitive sites while maintaining a balanced approach by allowing a small number of approved retailers to sell psychoactive substances safely and responsibly.

We support a restriction on the number of outlets, both retail and internet, that supply approved products. Having fewer outlets allows retailers to better track and report users who may be experiencing harmful effects, and enables enforcement officers to more closely monitor retail activity.

Regional Public Health promotes the message of de-normalising the use of mind altering substances. For this reason it is preferable to restrict the proximity of psychoactive substance outlets away from areas that are attractive to youth and vulnerable/at risk communities. These areas include fast food outlets (such as McDonald's), licensed premises, bus interchanges, areas attractive to youth and mental health drop in centres.

The creation of buffer zones from sensitive sites will reduce the exposure to young people and those people vulnerable to the harmful effects of these products.

Regional Public Health believes that psychoactive substances should be sold from premises that allow for public scrutiny and surveillance. Outlets should only be located in areas in the CBD that have good sightlines, regular foot traffic and other safety features such as CCTV cameras. Having a high level of public surveillance reduces the risk of harm to people using psychoactive substances, and illegal activities associated with the sale of psychoactive substances.

We are happy to provide further advice or clarification on any of the points raised in our written submission. If there are oral submissions, we wish to be heard.

The contact point for this submission is:

Jessica Punton
Public Health Advisor
Email: Jess.Punton@huttvalleydhb.org.nz
Tel: 04 570 9598

Kind regards



Dr Stephen Palmer
Medical Officer of Health



Peter Gush
Service Manager

Submitter Details

First Name: Tony
Last Name: Charles
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On behalf of: Tiger Eye Beads
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Suburb:
City: Wellington
Country:
PostCode: 6140
Mobile: 027 244 8362
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Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

I agree that the council needs a policy

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

I prefer none of the options

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

No I do not agree, it appears the council is trying to push this area so as not to upset ratepayers in other areas. Why not allow them to be sold near parliament. It seems only fair.

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

No. It has ignored the family friendly area of cuba mall. It intends to allow businesses to sell these products in an area that contains a children's playground, and seating for mothers and fathers to watch their children. At times the area is also used by performing artists, quite often artists performing for children. These artists have in the past been subject to harassment by users of these products. My own business provides classes and holiday programs for young children from ages 4-15+, I would like to feel that the mothers and their children would be safe at all times when attending these classes.

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

The minimum distance needs to be increased, so that users of these products are not encouraged to linger near young children.

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

No Comment

7. Do you have any other comments?

Comments

I would prefer that legal highs are not sold at all, without prescriptions. In the past when legal highs were sold we had numerous issues with users in Cuba Mall, and a very nasty element that attended them. Children were abused, and on at least one occasion to my knowledge attacked.

Attached Documents

File
Options for a Local Approved Products Policy

Sharelle Peck

From: clare@mandatory.co.nz
Sent: Friday, 5 December 2014 4:55 p.m.
To: BUS: LAPP
Subject: Proposal: Draft Local Approved Products Policy: SUBMISSION

Proposal: Draft Local Approved Products Policy: SUBMISSION FORM

(restricting where any legal psychoactive products may be sold in future)

Wellington City Council would like your feedback on the proposals.

You can have your say by:

- submitting online at <http://wellington.govt.nz/have-your-say/consultations>
- emailing lapp@wcc.govt.nz
- making a submission on this form or in writing and posting it to us – Free Post, PO Box 2199, Wellington 6140
- phoning us on 04 499 4444.

Enter your name and contact details (*Mandatory fields)

miss clare bowden

Clare Bowden

cl

Mandatory, 108 Cuba St Wellington

021384989

Clare@mandatory.co.nz

*Mandatory fields

I am making a submission as an individual STORE OWNER

Name of organisation

I would like to make an oral submission to the City Councillors.

Yes

If yes, provide a phone number above so that a submission time can be arranged.

021384989

Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal

information.

Section two – questions

1. 1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?
2. YES

1. 2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?
2. 2 Furthest distances, or 3 best policing

1. 3. Do you think the appropriate area has been
2. chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views
3. i am very concerned that the entertaining /easy “weekend away” marketability of the city will be compromised when fun seekers now not only run the gauntlet of strip clubs on the main thoroughfare from Courtenay movies/theatre/bars/foood to Cuba’s select bars/dining/ boutique shopping. this is a bit tragic and a bit much for most kids free couples weekendng in wellington - ugly! Britomart development in Auckland offering a lot of the same strollability with art shops, waterfront ...can keep these dodgy socially destructive shops out. this is Wellington’s competition. Nobody wants a weekend away spent helping girls out of gutters, witnessing unsafe behaviour, and tacit acceptance of the source of the trouble -cheap rtds and trashy drugs approved for sale by WCC.

1. 4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.
2. Cuba Mall with its bucket fountain - a fascination for dogs and small children, and the very important, socially varied kids playground -This is a peace of mind spot for mums to let the kids run free a long way from roads giving kids a choice of things for kids to climb and feel free in a contained space. drugs sales and drug taking should not be anywhere near this . lots of people come to Cuba to be in the company of others. this needs to be a safe place.

1. 5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?
2. sensitive sites are what makes wellington cool - we need to do more to protect ourselves from a crap synthetic life!

1. 6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?
2.
 1. they need to be few and far between

1. 7. Do you have any other comments?
2. the gangs arrived in force taking advantage of the legal high sales opportunity - they haven't left since this was stopped - they have plenty to sell and sadly a much bigger and younger crew. they have a little soldier unit - We should not feed this crime crew or give them the legal dealing opportunity ever again. It is staggering that the foot traffic has come back to Cuba (not just mall - the length of the street, in such a short time of shutting down the gang lead street retail operation on legal highs (so blatant) - the gangs are still here but not as actively - no blatant commerce pitched to pedestrians at peak time morning and evening pedestrian traffic - which drove huge number of people off Cuba and onto alternative routes to avoid being hassled. The public will not bounce back from a second round of what came before we will lose people who have had one too many intimidating experiences.

Postal address:

Freepost Wellington City Council

Proposal: Draft Local Approved Products Policy (COP01)

Wellington City Council

PO Box 2199

Wellington 6140

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Clare Bowden
Director
Mandatory Ltd.
04 3846107
021 384989

WILLIS BOND & CO

22 22

Wellington City Council
PO Box 2199
Wellington

9 December 2014

To whom it may concern,

Submission against Wellington City Councils Local Approved Products Policy (LAPP)

Please find attached my submission in regard to the Councils proposed LAPP. The sale of such products will be of immense detriment to the healthy, vibrant Wellington city in which we all have invested a great amount of time and money. It is important that Wellington is a safe and attractive place to live, visit and enjoy.

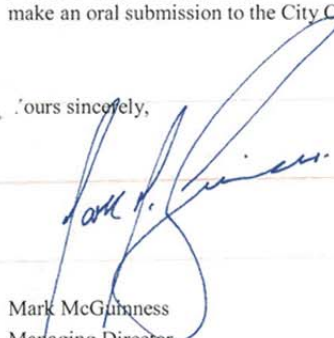
All of the Council's current alternatives include the centre of Wellington city as a retailer zone. Whilst I understand this makes policing the sale of such goods convenient for police, it also makes them much easier to access and normalizes consumption, particularly for young people who frequent Courtenay Place and Cuba Street.

The current proposals will have a significant negative impact on retailers and businesses within this zone, as well as the number of people who desire to work, live, shop or eat in Wellington. This will, in my view, put a number of people and businesses off committing to invest in affected parts of the city. This will in turn help kill the character of the area and drive decent retailers and residents away.

Ideally such products would be banned but I understand that an allowance for sale must be made under the current law. Therefore I suggest that in order to maintain a healthy city, retailers of such goods should be restricted to a small quantity in an area that is difficult to access, such as an industrial area.

I believe very strongly that the current approach is flawed and I will oppose it with the utmost vigour. I would like to make an oral submission to the City Councillors.

Yours sincerely,


Mark McGinness
Managing Director
Willis Bond & Co

WILLIS BOND AND COMPANY LIMITED
LEVEL 2, FREE AMBULANCE BUILDING, 5 CABLE STREET, PO BOX 24137, WELLINGTON 6142, NEW ZEALAND.
TELEPHONE 04-805 0000, FAX 04-805 0039
WWW.WILLISBOND.CO.NZ

22

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Yes.

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Option 1. The greater separation between retailers is the best option for restricting the creation of concentrations of inner city retailers, which threatens the health, safety, character and enjoyment of Wellington city. This relates in particular to the unique Cuba Street area.

However, it would be preferable to put into place greater restrictions to protect young people by making approved products less accessible than in any of the current proposals.

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

I do not think an appropriate area has been chosen.

An important purpose of these restrictions is to protect young people from easy access and exposure to approved products. By placing a zone around an area with such a great concentration of young people in the city (the Cuba Street area and Courtenay Place), there is convenient pedestrian access to these products, which will act to encourage purchase.

Furthermore, Willis Bond has invested significant sums of money in acquiring its Cuba Street site in several stages over the past three years, and has earmarked significantly more capital for the complete redevelopment of the site. If all goes according to plan, the investment is estimated at \$200m which will generate jobs and other economic spinoffs for the city.

The proposed zones will put many potential investors, retail tenants and residential occupiers off committing to invest more in Cuba Street, including Willis Bond. It will also interfere with the character and charm of the area by driving away decent retailers and residents.

The aim is to build a vibrant, healthy and safe city. Retailers of approved products and the customers they bring, would interfere with this vision. I suggest a more appropriate area would be in harder to access industrial areas outside the city.

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Section 68(c) of the Psychoactive Substances Act 2013 states a Council's local approved products policy can include policies on proximity to community facilities.

In Willis Bond's upcoming Cuba Street project, an \$80m Whitireia/WelTec combined Creative & Performing Arts Campus will be developed. This campus is a sensitive site as it is an area of study for an estimated 1400 full-time arts and creative technology students throughout the year. Of this, two thirds will be aged under 25 and 37% aged under 20. The campus also aims to attract an additional 100 international students to Wellington, most of whom will also be aged under 25 years. These demographics make clear a large number of young people will congregate at this site everyday.

Therefore, the campus should be considered a sensitive site because much like a high school, young people studying at Whitireia/WelTec should not have constant exposure and easy access to these products right next to their place of study. It will encourage experimentation with the approved products, disruption from studies and normalize consumption of such

products. It is a potential threat to the health and safety of the students at the campus to have retailers of approved products along the street they are studying on.

Therefore it is suggested that, as specified under Option 1, our preferred alternative, approved product retailers must be at least 200m (and preferably further) away from this campus.

A retailer of approved products so close to an educational facility that has a large concentration of youth seems to conflict with the purpose of the protecting young people, the most at risk part of the population.

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

I suggest a distance greater than walking distance should be implemented. It is important to make access to retailers of these approved products inconvenient for young people, particularly those studying at a school or college near to the retailer. Easy pedestrian access and frequent daily exposure to the products would normalize and encourage consumption to those most at risk of harm and addiction.

A greater distance from sensitive sites would mean the health and safety of those at risk would be much more sufficiently protected and the approved products would have to be actively sought rather than freely promoted.

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

A greater distance would be more appropriate to discourage the consumption of approved products and to maintain the character of the city. The currently specified 200m distance only takes about 6 minutes to walk on average, which still means there is potential for pockets to develop within Wellington city that have a cluster of retailers of approved products. This development will of course have a negative impact on the reputation of these areas, discourage inner city investment and development, and lead to health and safety risks.

I agree with the Council's commitment to make retailers as far apart as possible as the law allows to prevent concentrations of retailers in the city. Therefore I suggest at least over 500m would be required more effectively protect the safety, enjoyment and health of the city.

7. Do you have any other comments?

I am strongly opposed to this policy and the effect it will have on Wellington city. I support lobbying Government to change the existing law.

I also wish to make an oral submission to the City Councillors.

Contact Details:

Mark McGuinness,
Managing Director of Willis Bond & Co.

Email: markm@willisbond.co.nz

Phone: 04 805 0020 or 021 474 738

Address:
Level 2, Free Ambulance Building,
5 Cable Street,
PO BOX 24137,
WELLINGTON 6124

Submission of the Youth Council On Local Approved Products Policy (Psychoactive Substances)

09 December 2014

Contact:
Jack Marshall
021 186 6186
jackmarshallnz@gmail.com

An oral submission is requested.

General observations

- [1] The Youth Council firmly believes the Wellington City Council is obliged to implement a policy regarding the granting of licenses to sell psychoactive substances.
- [2] We believe a principle of harm minimisation should animate the policy implemented. Generally, as the products sold under this policy are legal, it is not for Council to make decisions for individuals. However, the public interest remains paramount.
- [3] This approach is consistent with s 3 of the Psychoactive Substances Act 2013.
- [4] Excessive restriction serves no discernible purpose. The danger of such an approach is that it can push consumers underground, away from social services. This, consequently, increases the risk of harm to vulnerable groups. We believe this is not in the public interest.
- [5] We are aware that there is significant community and media interest in the decisions made about these products. Therefore, we wish to reiterate that it is important Council's policy reflects evidence and vigorous debate.
- [6] We believe the Council is correct to limit sale to the southern central business district. This limits the sale of approved products to a clearly defined area that can be more easily policed and observed. The risk of harm is correspondingly reduced.
- [7] Similarly, the Youth Council does not wish for residents to be forced to face retailers if they choose not to. Stores should be spaced, if possible, in a way that permits their avoidance.
- [8] The Youth Council strongly believes the penalties for breach of a license to sell approved products should be swift, severe, and exemplary.

Stronger protection of more sensitive sites is better

- [9] The Youth Council believes that it is insufficient to specify minimum distances from sensitive sites. Whilst this is useful and important, the greater damage in our view comes from being in sight of these sites. This normalises the sale of approved products.

- [10] Recognising the difficulty in creating a policy to reflect this, Council's policy should be to keep shops away from the line-of-sight of sensitive areas in addition to any minimum distance.
- [11] The given definition of sensitive sites is somewhat incomplete.
- [12] We were concerned to note that youth-focussed premises such as ZEAL and Evolve were not designated sensitive sites. These, along with playgrounds, are areas for young people; whereas psychoactive substances are intended for adults. We believe inconvenience will reduce willingness to consume amongst youth, and support steps being taken in this regard.
- [13] We believe community spaces/institutions (e.g. Te Papa, the Central library) and medical facilities ought, if practicable and consistent with the Psychoactive Substances Act 2013, to be treated similarly.
- [14] Especially, we believe medical facilities that serve to treat addictions should be considered sensitive sites. We believe this is required by s 3 of the Psychoactive Substances Act.
- [15] Pre-school and primary education sites should not be seen as less sensitive than secondary schools. Although we recognise the likely thinking behind a distinction, we are concerned that the presence of approved retailers close to primary schools will normalise psychoactive substances. Additionally, we do not believe adequate consideration was given to young parents of pre-school children, who may be at special risk, when treating those sites differently.

We need a real solution to stockpiling

- [16] The biggest concern we have in respect of an approved products policy is the potential for stockpiling. We believe this should be avoided as much as possible.
- [17] Too short a distance between vendors will not stop stockpiling. Generally, whilst we support minimum distances between vendors, we are not convinced any particular separation will be sufficient to physically prevent determined consumers from making multiple purchases for the purpose of stockpiling.

- [18] We believe a more effective solution would be a database maintained by vendors that records sales of approved products by identification type and is common to all retailers. It is understood a precedent exists in chemists to prevent repeat collections of prescriptions.
- [19] It is unclear whether a database is permitted to be required by Council under the Act.
- [20] We do not believe it is an undue imposition on retailers to ask them to bear the costs of such a database. It is merely a small part of social responsibility to their consumers.

Why we disagree with option one

- [21] The Youth Council does not believe it is in the public interest to disperse vendors of approved products so widely. This stretches police and health resources if problems arise.
- [22] We reiterate our comments above relating to the treatment of sensitive sites. This option is impracticable where there is also effective protection of all sensitive sites.
- [23] Whilst the Youth Council is aware of the concern that a legal challenge may void a policy if it is too restrictive in terms of the Act, we believe Council is being too cautious in preferring this option for that reason. A successful legal challenge does not, to our knowledge, limit the powers of Council to make other policy pursuant to the Act. Essentially, there are second chances.

We prefer option three with changes

- [24] We generally believe a policy of clustered vendors is a better outcome, despite increased convenience, due to the increased ease of policing. Furthermore, this is the furthest distance from sensitive sites to our knowledge.
- [25] Changes we would support here are:
- a. A slightly increased distance between vendors (e.g. 100 metres);
 - b. A corresponding increase in size of the cluster, by adding additional streets to the cluster. By way of example, as follows:
 - i. Cuba Street between Vivian and Abel Smith Streets;

- ii. Dixon Street, between Cuba and Victoria Streets;
- iii. Ghuznee Street, between Cuba and Taranaki Streets; and
- iv. Taranaki Street, between Ghuznee and Dixon Streets.

[26] We are aware Evolve is close to this area. For this reason, we do not presently support the inclusion of Manners Street to Cuba, or the section of Cuba Street between Manners and Victoria Streets.

[27] We believe these policy changes achieve the benefits of a somewhat more easy-to-police area, whilst not concentrating vendors too much or being too restrictive.

Doing nothing is not an option


[28] The Youth Council does not believe it is in the public interest to allow licenses to be granted in Wellington without restrictions.

[29] In particular, failure to implement a policy will allow vendors to operate in suburban areas of Wellington. This allows the potential harms of approved products to be dispersed, and may create problems for policing.

[30] Approved 'legal high' products place young people at special risk in terms of financial problems and addiction. The Youth Council wishes to limit harm able to be caused to vulnerable young people. That said, we do not wish to unduly limit autonomy of adults, including young adults, who wish to consume these products responsibly.

[31] Non-implementation of a policy is not an option that the Council ought to seriously consider, as the potential harm to the public and to the vulnerable outweighs the small harms done to personal autonomy.

[32] The Council has the ability to implement a policy to minimise harm. With that opportunity, it should do so.

<p>Ms Geraldine Murphy 2B, 126 Wakefield St, Wellington 0274 507804 Geraldine.murphy@xtra.co.nz</p> <p>I am making a submission as Chair of the Inner City Association, on behalf of the Association.</p> <p>Yes - I would like to make an oral submission. Phone number for arranging a submission time 0274 507804</p>	 <p>INNER CITY ASSOCIATION Representing Wellington Inner City Residents and Businesses</p>
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ICA surveyed our members, with 14 responses: 7 residents only; 2 business owners only; 2 both residents & businesses, with 2 unidentified.

Summary

The majority of respondents agree that a local policy should be developed, do not want the products solely in the Southern CBD, but agreed that it was better to have sites tightly controlled rather than spread across the city.

The response was evenly split between Option 1 (6) and Option 3 (5), but with greater distances required between retailers and from sensitive sites. We feel 200m in Option 1 is unreasonably short and that 500m or 1km between licensed retailers and from sensitive sites is reasonable (based on length of time to walk between). While concentration makes it easier to monitor we are concerned about the negative effects that will return: more vulnerable/at risk people loitering, retailers locating near where vulnerable/at risk people gather, customers of the retailers affecting residents and other businesses, increasing intimidating begging, and more begging.

If licensed retailers are to be in the southern CBD under Option 1, ICA considers that WCC should include all education facilities in this area, particularly the forthcoming Weltec/Whitireia facility, which will have people under 18 years. This would help mitigate the likelihood that Cuba Mall will become a magnet for these retailers and their customers. While we would like sensitive sites such as medical centres, Te Aro, Chaffers and Memorial Parks added, we do not want to compromise on the distance between licensed retailers.

Respondents have not seen the evidence of increased Police presence which we had been told would start on 3 Nov, and this does not bode well for enforcement when the policy is implemented. One respondent noted evidence of drug activity in the Cuba Mall already. When the products come back on the market ICA will ask members if they are seeing more Police presence or evidence of compliance monitoring considering that the ability to more easily monitor compliance is one of the main drivers for concentrating in one part of the CBD.

There needs to be restrictions on opening hours and ICA believes that WCC should make these views known to the Ministry of Health, and ICA is prepared to back that up with our own submission in support. We also consider that public consumption should be banned in the CBD in a similar way to the liquor ban.

Q1. Do you think the WCC needs a local approval products policy (LAPP) for where premises are licensed to sell approved products?

13 - Yes, with 1 business owner responding No, on the basis that retailers should be able to sell the products of their choice where they wanted to.

Q2. Which of the proposed options for a LAPP do you prefer?

Responses were split between Option 1 and Option 3.

Option 1 – 6;

- Preferred not to have any selected area, so this was the best option
- Considered reasonable to concentrate in one area but carries risk of ghetto-ising and should be spread throughout community with same right to object as for off-licences with restrictions on numbers and spacing
- Greatest distance from entertainment zone
- More space between sellers reducing the visual impact and having their customers hanging around, and makes the customers move further between shops to purchase

Option 2 – 2

- Distance from sensitive sites was more important than distance between retailers
- Option 3 is too concentrated

Option 3 – 5

- Focus them in entertainment zone
- Only in Courtenay Place
- Better to have in a specific area where it is more public and safer, than in less frequented areas where there could be safety concerns
- Easier for Police/Health to monitor

Q3. Do you think the appropriate area has been chosen?

9 – No, 5 – Yes.

Those responding No said:

- their years of developing an attractive environment for people to socialise would be ruined
- it created a ghetto of users in a unique part of the city
- it should be the whole CBD
- it should be away from the entertainment zone to make it harder to access and away from the area where all the late-night trading on-licences operated where there was already higher levels of anti-social behaviour and there was little confidence in the monitoring happening

Those responding Yes said:

- keep it contained where Police are likely to do foot patrols

- prefer not in the CBD because of effect on residents and businesses, but understand preference of Police that easier to control

ICA canvassed which known negative effects of having these products in the CBD caused most concern:

- 11- Increasing likelihood of at risk/vulnerable people loitering near the sellers affecting the immediate community around that area.
- 10 - Sellers locating in areas where there at risk/vulnerable people tend to loiter.
- 9 - More intimidation by beggars
- 9 - Customers consuming the products in public places affecting my business or home (Note: public consumption is not illegal)
- 8 - Increased begging
- 5 - Sellers locating in areas where many on-licences are open late (maximum of 4am (possibly 5am under the Provisional Local Alcohol Policy) and off-licences open till 11pm (Note: WCC cannot restrict hours, only Ministry of Health can).

ICA canvassed what the positive effects of having retailers in the inner city may be:

- 11 - Easier to enforce for Police and Ministry of Health
- 6 - Avoids sellers locating in low socio-economic areas
- 5 - Makes the sale and purchase more visible

ICA also canvassed alternative options of no specific area (ie, across the whole city) and having more sensitive sites (Alternate option A) and allowing greater distances between the retailers (Alternate option B) because there were no restrictions on locations.

Alternate option A suggested the following sensitive sites (all educational facilities, medical centres, community facilities such as sports fields and community halls). Responses were 7 – No, 5 – Yes. The comments from No respondents were that tighter controls were needed but agreed that there should be more sensitive sites in the WCC Policy. Comments in favour were that the distances from sensitive sites could be increased as more area and that it avoided the risk of creating a ghetto through concentration in one area. It was also suggested that consumption should be banned in sensitive sites.

Alternate option B was 8 – No, 5 Yes. Comments from No respondents also felt tighter controls were needed and that retailers needed to be in a contained area, but not by residential areas (as there are in the inner city) and suggested commercial areas down Aotea Quay. Comments in favour felt that it avoid the ghetto effect of concentrating in a small area, could significantly increase the distance between retailers because there was more space (and avoid a legal challenge), and avoid the CBD becoming a dumping ground for activity that other communities did not want.

Q4. Have the appropriate sensitive sites been selected?

One response supported adding the following sensitive sites: all educational facilities, medical centres, community facilities such as sports fields and community halls

Q5. Comments on the minimum distances between retailers and sensitive sites

ICA considers that the distances WCC used (200 metres taking 2.5 minutes to walk) were too short and that WCC is being too cautious in this. We canvassed some longer distances and walking times that we consider are not unreasonable.

- 300m (3mins walk) – 2
- 500m (5 mins walk) – 8
- 1km (10 mins walk) – 9

Q6. Comments on distances between licensed retailers

- 300m (3 mins walk) – 1
- 500m (5 mins walk) – 6
- 1km (10 mins walk) – 7

Q7 Other comments

ICA considers that the Ministry of Health should set the trading hours as part of regulating the availability and minimising the risks to vulnerable consumers. The suggested times were:

- Same as off-licences (4 responses)
- 10am – 10pm
- 9am – 9pm
- 1 – 5pm
- 8 – 12pm
- 10am – 2pm (when under age consumers should be in school)

11 responses were in favour of public consumption being banned, with 1 not in favour.

ICA canvassed views on whether the increased Police presence that was stated in the consultation document was evident. Mark Jones said that this started on the 3 Nov when making his presentation to ICA. This increased Police presence does not appear to have eventuated with 11 saying No, and 1 saying Yes.

Other comments raised concerns about the:

- reality of Police and Health enforcing compliance on purchasing and consumption by under-age consumers, with a view that Police were not able to manage the presence of gang members associating with youth
- inappropriate mix of these products in an area where there is a high concentration of alcohol-related activity and higher levels of anti-social behaviour
- one respondent commented '*The newly disaffected (brought into the scene on the last round of legal highs) clearly getting gear from the gangs - one i saw recently set out across Courtenay from Embassy to Hannah playhouse, doing the fingers, hard to see in the dusk light across the big intersection of traffic - very nearly run over ABSOLUTELY WASTED. I see this cocky concoction all the time it's really ugly. If this becomes my daily work life I will quit, I employ 6 people, 2 contract companies and pay 2 leases in Wellington.*'



Local Approved Products Policy

11 December 2014

This submission has been prepared on behalf of Mt Cook Mobilised, a group which represents residents of Mt Cook, and is affiliated to the Newtown Residents Association.

The suburb of Mt Cook is a short walking distance from Cuba St and Downtown Wellington. Mt Cook is a residential suburb which is home to, or in the vicinity of, a broad range of educational institutions including pre-schools, primary secondary and tertiary. (Wellington High School, and the Adult Community Education Centre, Massey University, Mt Cook School, St Mark's School, Wellington College, Wellington East Girls' College, the NZ School of Dance and Toi Whakaari – The NZ Drama School. Pre-schools in and close to Mt Cook are Newtown Kindergarten, Te Kainganui, PolyHlgh, Moriah Kindergarten, Kakapo Kids, Capital Kids Co-op, Mt Cook Pre-School and Early Years in Tory Street.)

The population of Mt Cook is very diverse. Residents include a high number of transient tertiary students, social housing tenants, new migrants, long-term residents, and the Taranaki Street Night Shelter. Wallace Street and Adelaide Road, Mt Cook, are major commuter routes, and are very popular walking routes to the city. Mt Cook is within Wellington's Liquor Ban area.

We have read the consultation document, the Local Approved Products Policy - Summary of Information. We appreciate the Wellington City Council's intention to establish a Local Approved Products Policy (LAPP). We understand that under the recent legislation governing the sale of "low risk" psychoactive substances the Council's powers are limited to defining "sensitive" sites, the distance between retail outlets selling psychoactive substances, and their proximity to "sensitive" areas. We understand that the substances will have been categorised as "low risk" by the Ministry of Health, and that the legal age for sale and consumption is 18 years. We also understand that if the restrictions included in the LAPP are too restrictive, the LAPP is likely to be challenged, as has happened in Hamilton, and could be overturned.

We wish to comment on 4 points regarding the Council's Local Approved Products Policy:

1. Sensitive areas to include tertiary education institutions

Under the WCC's proposed LAPP, sensitive areas are defined as high schools/colleges, and Wellington's YMCA. Mt Cook Mobilised would like to see tertiary institutions recognised in the list of sensitive areas. Students can leave secondary school at 16 years, often enrolling in a tertiary institution to gain further trades or sports training. Some students leave secondary school after Year 12 (at 16 – 17 years) to enrol in university. Tertiary training is an extension of

a student's education for many who are under 18, and tertiary institutions should be treated as sensitive areas.

2. Extend distance from primary schools, pre-schools and kindergartens

The second category of "sensitive area" defined by the proposed LAPP is primary schools, pre-schools and kindergartens. We disagree with the proposal to allow retail outlets for approved products within 50 metres of these sites. We suggest that this should be extended to 100 metres to make them less visible to young children. Council's proposed distance of 50 metres would be in the line-of-sight for many primary schools; some children would walk past the outlets every day on their way to school, and would become very brand-aware and accustomed to the idea of these products by the time they left primary school. In addition, children could become uncomfortable walking past these outlets if intoxicated patrons congregate around the outlets.

3. Include addiction support centres in the list of sensitive areas

Adults trying to combat substance or alcohol addiction are equally as vulnerable as young people. Addiction support programmes should not be compromised by having retail outlets for approved substances located nearby. The list of sensitive areas should be extended to include venues running programmes to help people overcome their addictions.

4. Distance Between Outlets

We support Option 2, premises selling approved products should be at least 400 metres from sensitive sites in Wellington (high schools/colleges and Wellington's YMCA), with the inclusion of tertiary institutions and venues running addiction support programmes as sensitive sites.

Option 2 says that premises selling approved products should be at least 50 metres from primary schools, pre-schools and kindergartens. We strongly recommend this distance be extended to 100 metres.

With regard to the distance between retail premises licensed to sell approved products, Option 2 suggests 180 metres (compared to Option 1 which suggests 200 metres); the difference of 20 metres is negligible in terms of more ready access for people wanting to buy approved substances, and is a reasonable trade-off for the extra distance from sensitive sites.

Conclusion

We thank the Wellington City Council for their undertaking to provide a LAPP (Local Approved Products Policy) for Wellington. We believe there are strong reasons for including tertiary institutions in the list of sensitive areas, and also venues running programmes to help people overcome their addictions. We prefer Option 2, with the modification that retail outlets for these substances must be at least 100 metres from primary schools, pre-schools and kindergartens.