



Legal Highs Policy

(Local Approved Products Policy) 2019



Contents

1. Introduction and overview
2. Policy objectives and scope
3. When this Policy comes into force
4. Definitions
5. Policy
6. Location of premises from which approved products may be sold
7. Location of retail premises in relation to other retail premises from which approved products are sold
8. Location of retail premises in relation to premises or facilities of a particular kind or kinds
9. Review

1. Introduction and overview

- 1.1 This policy is made under the provisions of section 66 of the Psychoactive Substances Act 2013 (the Act).
- 1.2 A Local Approved Products Policy (policy) is a set of policy criteria and decisions made by a council in consultation with its community which may restrict the location of premises selling psychoactive products in its geographical area. This policy addresses community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Act .
- 1.3 A Policy provides the Authority with a policy framework when making decisions on licence applications, to enable the Authority to better meet the purpose of the Act which states that “The purpose of this 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.”

2. Policy objectives and scope

- 2.1 The purpose of this policy is to set a clear framework to be applied to all licence applications that the Authority’ considers for premises that sell approved products in the Matamata-Piako District.
- 2.2 The objectives of this policy are to:
 - (a) minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
 - (b) ensure that Council and the community have influence over the location of retail premises in the District.
 - (c) Minimise the potential for adverse effects from the sale of psychoactive substances near sensitive sites.
 - (d) Minimise the exposure and potential for harm from psychoactive substances to vulnerable groups within the community.
- 2.3 The policy applies to any application for a licence as defined in the Act to sell approved products from a retail premise from the date that this policy comes into force.

- 2.4 This policy does not apply to retail premises where internet sales only are made or to premises where the sale of approved products is by wholesale only.
- 2.5 The requirements of the Resource Management Act 1991 and Hazardous Substances and New Organisms Act 1996 must be met in respect of any premises holding a licence.

3. When this policy comes into force

- 3.1 This Policy first came into force on 26 March 2014. The policy was reviewed in 2019 and the revised policy came into force on 1 July 2019.

4. Definitions

- 4.1 When interpreting this policy use the definitions set out in section 4 unless the context requires otherwise. If you see a reference to a repealed Act, regulation, District Plan, bylaw or policy, read that as a reference to its replacement.

Approved location	Means an area identified in Schedule 1 where premises from which approved products may be sold are permitted to be located
Approved Product	Means a psychoactive product approved by the Authority under Section 37 of the Act.
Authority	Means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act.
Licence	Means a licence, granted under Section 16 of the Act that is in force.
Direct route of travel	Means the shortest route between two locations for a pedestrian using the public footpath or, if there is no footpath, the street.
Psychoactive Product or product	Means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substance.
Psychoactive substance	Means a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.
Retail Premises	Means premises for which a licence to sell approved products by retail has been granted.
Retailer	Means a person engaged in any business that includes the sale of approved products by retail.
Sell	Includes sold and sale. Includes every method of disposition for valuable consideration, for example, - offering or attempting to sell or giving in possession for sale, or exposing, sending, or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale: retailing: wholesaling
Sensitive Site	Includes: (a) any community facility including library, museum, community hall or recreational facility, or place of worship; (b) any school, kindergarten, early childcare facilities, or other educational institution; (c) any premises occupied by a social welfare agency such as

the Salvation Army, Work and Income or similar agency;

Community facilities: Has the meaning given in the Operative District Plan.

Childcare facilities: Means premises (public and private) where children are cared for or given basic tuition and includes a crèche, day or after-school care, pre-school, kindergarten, kohanga reo or play centre. This term excludes a school.

Educational institution: Means premises used to provide regular post-school education or vocational training. Includes private tertiary establishments.

School: means premises used to provide regular instruction or training of children including primary, intermediate and secondary schools, and their ancillary administrative, cultural, recreational or communal facilities.

The Act Means the Psychoactive Substances Act 2013

5. Policy

- 5.1 This policy does not limit the number of retail premises or restrict the issue of new licences, provided the policy criteria outlined below are met.

6. Location of retail premises from which approved products may be sold

- 6.1 The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in Schedule 1. Retail premises must be located on the ground floor with frontage to Broadway, Matamata, Thames Street, Morrinsville or Whittaker Street, Te Aroha, as applicable.

7. Location of retail premises in relation to other retail premises from which approved products are sold

- 7.1 New retail premises from which approved products may be sold are not permitted within 300 metres of another retail premises from which approved products may be sold.
- 7.2 For the purposes of clause 7.1 the separation distances are measured from the nearest side of the public entrance of each premises along the most direct route of travel.

8. Location of retail premises in relation to premises or facilities of a particular kind or kinds

- 8.1 Retail premises from which approved products may be sold are not permitted within 25 metres of a sensitive site existing at the time the licence application is made.

- 8.2 For the purposes of clause 8.1 the separation distances are measured from the nearest side of the public entrance of each premises or facility along the most direct route of travel.
- 8.3 Maps showing sensitive sites are available on the Council website or by contacting the Council. These are not included within this Policy as sensitive sites change over time (i.e. premises can move locations).

9. Review

- 9.1 The policy will be reviewed:
- (a) every five years as required by the Psychoactive Substances Act 2013; or
 - (b) at the request of Council.

Schedule 1 - AREAS WHERE APPROVED PRODUCTS CAN BE SOLD FROM RETAIL PREMISES MATAMATA



This data is provided as at 15/11/2018 [pursuant to the Local Government Official Information and Meetings Act 1987]. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2018 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.

Schedule 1 - AREAS WHERE APPROVED PRODUCTS CAN BE SOLD FROM RETAIL PREMISES MORRINSVILLE



Schedule 1 - AREAS WHERE APPROVED PRODUCTS CAN BE SOLD FROM RETAIL PREMISES TE AROHA



This data is provided as at 15/11/2018 [pursuant to the Local Government Official Information and Meetings Act 1987]. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2018 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.

Draft for consultation 28 November 2018
Scale 1: 2,000 at A4