



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

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# ORDINARY MEETING OF COUNCIL

## Open Agenda

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Meeting Date:	Tuesday 23 March 2021
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Time:	9.00am
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Venue:	Large Exhibition Hall Napier War Memorial Centre Marine Parade Napier
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Council Members	Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor, Wright
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Officer Responsible	Chief Executive
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Administrator	Governance Team
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**Next Council Meeting**  
**Thursday 8 April 2021**

# ORDER OF BUSINESS

## Karakia

## Apologies

Councillor Browne

## Conflicts of interest

## Public forum

Nil

## Announcements by the Mayor including notification of minor matters not on the agenda

*Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13*

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

## Announcements by the management

## Agenda items

- 1 Gambling Venues Policy Review Hearing Report.....3
- 2 Location of Approved Psychoactive Products Sales Points Policy Hearing Report .....29

## Minor matters not on the agenda – discussion (if any)

# AGENDA ITEMS

## 1. GAMBLING VENUES POLICY REVIEW HEARING REPORT

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Gambling Act 2003
<i>Document ID:</i>	1295892
<i>Reporting Officer/s &amp; Unit:</i>	Rachael Horton, Manager Regulatory Solutions

### 1.1 Purpose of Report

This report provides an analysis of submissions received on the Gambling Venues Policy review.

The purpose of this report is for Council to consider and make decisions on the Gambling Venues Policy review.

#### Officer's Recommendations

That Council:

- a. Consider the public submissions on the Gambling Venues Policy and determine whether any changes are required to the proposed Policy.
- b. If no changes are required, adopt the Gambling Venues Policy with the reduced cap option as proposed, and retaining the following Policy conditions:
  - i. A cap on the number of class 4 venues at 20;
  - ii. A cap on the number of machines at 298;
  - iii. A cap of 3 venues in the Taradale Suburban Commercial Zone;
  - iv. A cap on TAB venues at 2;
  - v. Ability for licence holders to relocate machines from both class 4 and TAB venues;
  - vi. Ability for incorporated clubs when amalgamating to merge machines within set limits;
  - vii. Limiting new or relocating venues to locations within the following zones – Inner City Commercial Zone; Art Deco Quarter; Fringe Commercial Zone; Ahuriri Mixed Use Zone; Main Industrial Zone; West Quay Waterfront; Taradale Suburban Commercial Zone (3 max.).

### 1.2 Background Summary

The Gambling Act was introduced in 2003 to balance the potential harm from class 4 gambling against the benefits of using gaming machines as a form of community funding.

Territorial Authorities have a particular role under both the Gambling Act and the Racing Act to control the impacts of class 4 and TAB gambling on its community. The mechanism

for this is through the Gambling Venues Policy (Policy) to determine whether class 4 and standalone TAB venues can be established in the territorial authority district and, if so, how many, and where they can be located.

Both the Gambling Act 2003 and the Racing Act 2003 requires territorial authorities to review their Policy on class 4 gambling and TAB agency venues every three years.

Following the 2003 commencement of the Gambling and Racing Acts, Napier City Council adopted its first gambling policy in 2004. At this time Napier City had 38 Class 4 venues and 492 machines. The first policy was a 'sinking lid' policy, which meant that no new venues were permitted and every time a gaming machine was removed or a venue closed, the number of machines decreased.

The policy was reviewed without change in 2006.

In 2010, the policy changed from a sinking lid to a 'cap' policy where numbers were restricted to 26 venues, 350 machines and 2 TAB venues.

The 2013 policy review lowered this cap to 20 Class 4 venues and 320 machines. The cap on two TAB venues remained.

The 2017 policy review retained the cap policy of 20 Class 4 venues and 320 machines and 2 TAB venues. Council at the time held the view that accessibility increases opportunities to gamble and that low socio economic areas are disproportionately affected by the harmful effects of gambling. To ensure that the location of class 4 gaming venues stayed outside of neighbourhood centres they introduced policy clauses around where new venues could be located together with a specific cap in Taradale to three venues.

The additional controls introduced were:

- A new cap of three class 4 venues in the Taradale Suburban Zone (the current number of venues in this zone), and
- A limit on the location of new or relocating venues to the CBD, Fringe Commercial, Ahuriri Mixed Use, Main Industrial and West Quay Waterfront zones in the District Plan.

As part of the 2020 review, officers held two workshops to determine Council's policy direction for consultation. Policy direction by Council during workshops held was to reduce the cap to the current number of venues and machines.

Then followed a meeting of the Maori Committee (13 November 2020) who recommended to Council that they should consider adopting a sinking lid policy as the preferred option for consultation.

The Future Napier Committee met (3 December 2020) and recommended to Council to approve the Statement of Proposal for public consultation that included the "reduced cap" as Council's preferred option.

At the Council meeting on 17 December 2020, Council considered the options in the officer's report and resolved to approve a revised Statement of Proposal for public consultation proposing the reduced cap policy (Option 2) i.e. capping the number of machines to 298, venues to 20 and TAB venues to 2; which was the current number of machines and venues at the time of the decision. All other previous policy clauses are retained under this option.

Since the decision on 17 December 2020, class 4 venues reduced from 20 to 19, and gaming machines reduced from 298 to 289.

Options considered by Council were:

<b>Option One: Status Quo</b>	Retain the cap at 320 machines and 20 venues and 2 TAB venues. Retain relocation policy and club merger policy. Retain restrictions on new/relocated venue locations. Cap of 3 venues in Taradale.
<b>Option Two: Lower Cap amounts</b>	Decrease the number of venues and/or gaming machines. A capped approach means that every time a venue closes, the number of permitted machines remains the same. This means that other venues can apply for additional machines if their permitted number of machines has not been exceeded or if a new venue is established. The Councils current cap is set at allowing 320 machines to operate in the district (currently 298 are operating)
<b>Option Three: Adopt a sinking lid policy</b>	Decrease the number of gaming machines or class 4 venues through natural attrition. It bans any new gaming machines or venues. If a venue closes and the licence is not taken up within six months from the date of closing then the machines in the community are lost. The sinking lid policy does not reduce the number of machines in an existing venue that is operating.
<b>Remove relocations and/or mergers</b>	In addition to the options above, consideration can be given to removing the ability for gaming machines to be relocated and the ability for clubs to merge machines. This would prevent two clubs merging and having a large number of machines at one site. Currently Napier District has four clubs operating 63 machines in total.

### 1.3 Consultation

At its meeting on 17 December 2020, Council resolved to publically notify the proposed review option as per section 83 of the Local Government Act. The statement of proposal and amended policy were made available for public submissions from 18 January to 17 February 2021. See Attachment A.

The consultation process was advised directly to the following bodies who were deemed to have a special interest in the matter, including those who submitted to the last policy review in 2017:

- New Zealand Racing Board
- Gaming Trusts (as listed on Department of Internal Affairs website)
- Venues who host gaming machines
- Problem Gambling Foundation of New Zealand

- Te Rangihaeata Oranga Trust (Hawke's Bay Gambling Harm)
- Te Hiringa Hauora/Health Promotion Agency
- Family support services
- Māori social service and health providers
- Iwi / Hapu entities

The statement of proposal was available on [www.sayitnapier.nz](http://www.sayitnapier.nz), along with a short summary and a submission form. Hard copies of the material were available at the Council's Customer Service Centre, the libraries and by request.

Council also signalled through the consultation material that it wished to hear from its community on any opportunities Council may have outside this specific Gambling Venues Policy review, to manage and minimise the harm caused by gambling generally.

#### 1.4 Summary of Submissions

A total of 105 submissions were received of which 24 submitters indicated that they wish to be heard. A table summarising the submissions received is attached to this report – Attachment B.

Of the 105 submissions –

- **26 submitters supported the proposed reduced cap – Option 2**

Of those 1 submitter supported the proposal without the relocation clause; 1 submitter supported the proposal but with a greater restrictive cap; 2 submitters supported with the addition of a sinking lid policy along with removal of relocation and merger clauses, and 3 submitters supported the proposal without any additional comments.

**Officer Comment:** By their very nature you can't have both a cap and sinking lid policy. It's either one or the other.

- **9 Submitters supported a sinking lid policy – Option 3**

- **61 Submitters supported a sinking lid policy plus removal of relocation – Options 3 and 4:**

Of the 66 who submitted along these lines, 1 submitter (#66) wanted to add a proximity policy; 12 of the submitters in this category also sought greater restrictive policy clauses to achieve total prohibition, prohibition in areas of a residential nature or high deprivation, all machines in one central location etc. Of these 66 submitters, 36 (#71 to #106) were made in the form of a prewritten submission with hand written submitter details.

- **8 Submitters supported the Status Quo Policy – Option 1**

These submissions are from the Gaming Machine Association of NZ, Grassroots Trust NZ, Grassroots Trust Central, One Foundation, Napier RSA and Hospitality NZ and Clubs NZ, Napier Clubs, and Four Winds Foundation.

- **1 Submitter did not support the proposed option (Option 2)**

This submitter made no additional comments.

Of the 105 submitters, 62 gave comments supporting their preferred option and 18 attached detailed written information to support their submission.

In response to Council's additional question around any opportunities Council may have outside this specific Gambling Venues Policy review, to manage and minimise the harm caused by gambling generally, 68 submitters offered suggestion which included:

- *All machines/gaming rooms should display information around the harm from gambling...*
- *Ban gambling advertising*
- *Ensure venues are being checked and comply...*
- *Reduce the hours...*
- *Pokies should not be allowed in pubs...*
- *...petition Government to ban gambling advertising...*
- *Provide money to community groups so they are not so dependent on gaming machine profits.*
- *Greater awareness of harm machines cause.*

**Officer Comment:** The Department of Internal Affairs (DIA) are the gambling regulator under the Act. DIA Gambling Inspectors are responsible for auditing and inspecting class 4 venues for compliance with the Act. Suggestions from this review relating to how a venue should operate, including venue inspections, what information they display, the hours they are open, are responsibilities for DIA Gambling Inspectors.

### 1.5 Statutory Implications

Local Authorities have legislative responsibilities under the Gambling Act 2003 to consider the effects of gambling within their district. The purpose and intent of the Gambling Act is to:

- Control the growth of gambling
- Prevent and minimise harm caused by gambling, including problem gambling
- Authorise some gambling and prohibit the rest
- Facilitate responsible gambling
- Ensure the integrity and fairness of games
- Limit opportunities for crime and dishonesty associated with gambling
- Ensure that money from gambling benefits the community
- Facilitate community involvement in decisions about the provision of gambling

The purpose and intent of the Racing Act 2003 is to:

- To provide effective governance arrangement for the racing industry
- To facilitate betting on galloping, harness and greyhound races and other sporting events
- To promote the long-term viability of New Zealand racing.

In reviewing a policy under the Gambling Act 2003 and Racing Act 2003, Council should have regard to the following:

- a. *must have regard to the social impact of gambling within the territorial authority district*
- b. *must specify whether or not class 4 gaming venues may be established in the territorial authority district and, if so, where they may be located; and*
- c. *may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and*

- d. may include a relocation policy for class 4 gaming venues.*
- e. must specify whether or not new TAB agency venues may be established and, if so, where they may be located*

In determining its policy on whether class 4 or TAB agency venues may be established in the territorial authority district, where any venue may be located, and any restrictions on the maximum number of gaming machines that may be operated at venues, the territorial authority may have regard to any relevant matters, including:

- a. the characteristics of the district and parts of the district*
- b. the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities*
- c. the number of gaming machines that should be permitted to operate at any venue or class of venue*
- d. the cumulative effects of additional opportunities for gambling in the district*
- e. how close any class 4 venue should be permitted to be to any other venue*
- f. what the primary activity at any class 4 venue should be.*

## **1.6 The Gambling Policy Debate**

There is potential for conflict and uncertainties around decision-making on the provision of gambling when communities want to balance the need to minimise harm from gambling with the desire to generate benefits to the community from gambling money. The submissions received reflect this conflict, with a number calling for a tougher stance by requesting Council to adopt a sinking lid policy. Others argue that lowering machine numbers does not in fact contribute to reducing harm, and may negatively impact on the ability of community groups to gain funding.

## **1.7 Alignment with Hasting's District Council Policy**

A number of submissions have requested a sinking lid policy and this would align with that of Hasting District Council (HDC). HDC traditionally had a sinking lid policy until its 2017 review when they amended their policy from a sinking lid to a cap on machines, based on the number of machines they had in circulation at the time. During their 2020 review, HDC reverted back to the more restrictive 'sinking lid' policy which results in no more gaming machines being permitted in the District. HDC's Policy does allow for machine relocations and club mergers within certain parameters.

## **1.8 Decision Making**

Council has received an excellent number of submissions from individuals, clubs, gambling harm reduction agencies, industry representatives, churches, gaming trusts, community groups and organisations, all of which have expressed views across the policy spectrum from retaining the status quo (existing cap to allow for small growth) to a sinking lid policy together with removal of relocation and merger clauses. Most have articulated their views well and supplied information to support their area of advocacy.

Council has also received a plethora of information from officers to support this Policy review through the various workshops and the Future Napier Committee meeting.

Council will also hear a number of verbal submissions from both sides of the gaming venue policy debate which will assist Council's knowledge and decision making process.

In the end however, decisions on the strategic intent of this Policy effectively require a conscience type vote by the Council. As a result, Officers have focused primarily on the

technical aspects of the Policy and submissions rather than recommending one option over another.

The following is the Officer's response to the main submission points raised.

#### A sinking lid versus a cap policy

A number of submissions advocated for a sinking lid policy over a cap policy. A sinking lid policy is a restrictive policy that will result in a decrease in venues and machines over time. A cap policy determines the maximum number of machines and/or venues allowed in the district. Where this level is set in relation to existing venues and machines determines whether any new venues can be established e.g. currently the number of machines and venues in Napier is under the cap limit and therefore the current policy allows new venues to establish (providing they meet the application criteria) up to the maximum allowed under the cap. Generally, a cap policy is seen as a softer approach than a sinking lid in that it allows for more flexibility and movement of venues and machine numbers.

#### Relocations

The Gambling (Gambling Harm Reduction) Amendment Act 2013 resulted in changes to the Acts provisions for relocating venues. The changes are designed to make it easier for venues to relocate by allowing the maximum number of machines permitted at the new venue to be the same as permitted at the old venue (up to a maximum of 18). The purpose behind this change was to encourage venues to move out of unsuitable locations.

As highlighted by some submitters, having a relocation clause actually allows premises with gaming machines in less desirable locations to locate them to more suitable locations. The alternative is venue holders may hold on to them indefinitely.

This scenario occurred recently with the Golden Chance in Maraenui.

#### Ring fenced funding

Rules around the distribution of funds from Class 4 gambling are determined by national legislation and therefore Council has no control over how funds generated in our district are distributed. The concern raised in some submissions is that all funds should come back to this District.

Trusts have no legal obligation to return funds to the community in which they were generated, although they may wish to do so on a voluntary basis. Some gaming trusts have voluntarily adopted policies that state a certain proportion of funds will be returned to the community in which they are generated. However, the term community is generally not defined and could conceivably be the immediate community or the wider community.

#### Recent venue changes

At the date of writing this report (10 March) class 4 venues had reduced from 20 to 19, and gaming machines reduced from 298 to 289. This was due to the cancellation of the gaming licence held by Napier RSA for nine machine located at Friends Bar on Marine Parade.

The Windsock Bar with 18 gaming machines on Hastings Street has closed. The gaming machines can be reactivated at this location if a liquor licence is granted, however this is only permitted up to six months from the venue closing (provision expires 4 June). The venues and machines are still counted in the capped numbers for this reason.

#### TAB venues

There were no submission points raised in relation to TAB venues.

Officers are recommending Councillors consider all of the submissions and either adopt the Policy as proposed or chose to amend the Policy as a result of submissions.

## 1.9 Attachments

- A 2020 Statement of Proposal and Draft Gambling Venues Policy [↓](#)
- B Sub 002 Georgia Dowling Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- C Sub 003 Andrew Germann Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- D Sub 004 Gaye Herried Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- E Sub 005 Ted and Jane Allan Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- F Sub 006 Nathan Monk Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- G Sub 007 Lynda Otter Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- H Sub 008 Dan Nightingales Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- I Sub 009 Christine Miller Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- J Sub 010 Raymond McHalick Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- K Sub 011 Lena Ripley, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- L Sub 012 Susan Jacobs, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- M Sub 013 Rachael Walker, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- N Sub 014 G King, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- O Sub 015 Jay Lamburn, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- P Sub 016 Giles Pearson, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- Q Sub 017 John Conneely, Gambling Venue Policy Submission .pdf (*Under Separate Cover*) [⇒](#)
- R Sub 018 Graeme Chapman, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- S Sub 019 Peter Sapper, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- T Sub 020 Ruth Smithies, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- U Sub 021 Vicki Berkahn, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- V Sub 022 Graeme Etheridge, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)

- W Sub 023 Renee Berry, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- X Sub 024 Sven van Dulm, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- Y Sub 025 John Wuts, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- Z Sub 026 Toni-Jane White, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AA Sub 027 Bryce Croom, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AB Sub 028 Soraya Longtime, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AC Sub 029 Soraya Longtime2, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AD Sub 030 Paul Bailey, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AE Sub 031 Rob Vork, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AF Sub 032 Andrea Plumpton, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AG Sub 033 Edward Peter Timu, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AH Sub 034 Colin Dolley, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AI Sub 035 Aaron O'Neill, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AJ Sub 036 Tanya Piejus, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AK Sub 036 New Zealand Community Trust Gambling NZ Community Trust Attachment.pdf (*Under Separate Cover*) [⇒](#)
- AL Sub 037 Isabel Wood, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AM Sub 038 Jarrod True, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AN Sub 038 Jarrod True, Gaming Machine Association Attachment.pdf (*Under Separate Cover*) [⇒](#)
- AO Sub 039 Kim Maitland, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AP Sub 039 (Patrick Le Geyt) Hawke's Bay District Health Board Attachment.pdf (*Under Separate Cover*) [⇒](#)
- AQ Sub 040 Bruce Carnegie, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AR Sub 040 Bruce Carnegie Gambling Venue Policy submission Attachment.pdf (*Under Separate Cover*) [⇒](#)
- AS Sub 041 Vicki Berkahn2, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AT Sub 042 Robin Gwynn, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AU Sub 042 Robyn Gywnn Gambling Venue Policy submission Attachment.pdf (*Under Separate Cover*) [⇒](#)

- AV Sub 043 Mark Cleary, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AW Sub 044 Maxine Boag, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AX Sub 044 Maxine Boag Gambling Venue Policy submission Attachment.pdf (*Under Separate Cover*) [⇒](#)
- AY Sub 045 Martin Cheer, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- AZ Sub 045 Martin Cheer, Pub Charity Gambling Venue Policy submission Attachment.pdf (*Under Separate Cover*) [⇒](#)
- BA Sub 046 Nan Cowan, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BB Sub 047 Aaron Greaves, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BC Sub 048 Samuel Harvey, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BD Sub 049 Margaret Edwards, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BE Sub 050 Israel McNabb, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BF Sub 051 Mark Burgess, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BG Sub 052 Ryan Kaarsemaker, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BH Sub 053 Joanna Bebarfald, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BI Sub 054 June Bradley, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BJ Sub 055 Mike Moriarty, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BK Sub 056 Mari Lamborn, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BL Sub 057 Karmen McGrath, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BM Sub 057 Grassroots Trust Central Gambling Venue Policy Submission Attachment.pdf (*Under Separate Cover*) [⇒](#)
- BN Sub 058 Samantha Alexander, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BO Sub 058 Lion Foundation Gambling Venue Policy Submission Attachment.pdf (*Under Separate Cover*) [⇒](#)
- BP Sub 059 Karmen McGrath2, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BQ Sub 059 Grassroots Trust Gambling Venue Policy Submission Attachment.pdf (*Under Separate Cover*) [⇒](#)
- BR Sub 060 Liz Lambert, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BS Sub 061 Jen Harvey, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)
- BT Sub 062 Wenerei Thompson, Gambling Venue Policy Submission.pdf (*Under Separate Cover*) [⇒](#)

- BU Sub 062 Wenerei Thompson, Gambling Venue Policy Submission Attachment.pdf *(Under Separate Cover)* [⇒](#)
- BV Sub 063 Tina Mclvor, Gambling Venue Policy Submission.pdf *(Under Separate Cover)* [⇒](#)
- BW Sub 063 Tina Mclvor, Gambling Venue Policy Submission Attachment.pdf *(Under Separate Cover)* [⇒](#)
- BX Sub 064 Kerry Bird, Gambling Venue Policy Submission.pdf *(Under Separate Cover)* [⇒](#)
- BY Sub 064 One Foundation Gambling Venue Policy Submission Attachment.pdf *(Under Separate Cover)* [⇒](#)
- BZ Sub 065 Dorothy Paki, Gambling Venue Policy Submission.pdf *(Under Separate Cover)* [⇒](#)
- CA Sub 066 Janell Dymus, Gambling Venue Policy Submission.pdf *(Under Separate Cover)* [⇒](#)
- CB Sub 066 (Selah Hart) Hāpai Te Hauora Attachment.pdf *(Under Separate Cover)* [⇒](#)
- CC Sub 067 Kerry Bird2, Gambling Venue Policy Submission.pdf *(Under Separate Cover)* [⇒](#)
- CD Sub 068 Angela Gay Denby, Gambling Venue Policy Submission.pdf *(Under Separate Cover)* [⇒](#)
- CE Sub 068 Angela Gay Denby Submission Attachment.pdf *(Under Separate Cover)* [⇒](#)
- CF Sub 069 Larry Graham, Gambling Venue Policy Submission - Late Submission.pdf *(Under Separate Cover)* [⇒](#)
- CG Sub 070 Randal Godfrey, Clubs New Zealand Submission - Late Submission.pdf *(Under Separate Cover)* [⇒](#)
- CH Sub 071 Wiremu Waretini Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CI Sub 072 Heath Tito Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CJ Sub 073 Rebecca Wanoa Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CK Sub 074 Joy Shaw Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CL Sub 075 Lorraine Tipene Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CM Sub 076 Jane Simpson Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CN Sub 077 Heneriata Edmonds Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CO Sub 078 Cath Healey Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CP Sub 079 Sharon Jenkinson Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CQ Sub 080 Chris Chand Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CR Sub 081 Susan McGee Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CS Sub 082 Bella Whata Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)
- CT Sub 083 Dean Dawson Gambling Venue Policy submission.pdf *(Under Separate Cover)* [⇒](#)

- CU Sub 084 Ezra Te Huia Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- CV Sub 085 Theresa Aranui Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- CW Sub 086 Tamati Birch Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- CX Sub 087 Chelsea Olsen Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- CY Sub 088 Jimmy Ngarotata Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- CZ Sub 089 Shari Tidswell Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DA Sub 090 Roimata Kapene Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DB Sub 091 Marrian Moeke Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DC Sub 092 Taylor Hita Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DD Sub 093 Sam Carule Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DE Sub 094 Alexia Wineti Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DF Sub 095 Ali Beal Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DG Sub 096 Vanessa Moke Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DH Sub 097 Tracey Takiwa Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DI Sub 098 Tu Haggerty Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DJ Sub 099 Kane Matoe Napier Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DK Sub 100 Aaron Killick Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DL Sub 101 Vicki Berkahn Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DM Sub 102 Tyson Leutele Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DN Sub 103 Tipene Kapua-Smith Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DO Sub 104 Apirana Ferris Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DP Sub 105 Kai Jugo Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DQ Sub 106 Whitney Wikaire Gambling Venue Policy submission.pdf (*Under Separate Cover*) [⇒](#)
- DR Summary Table of Submissions - Gambling Venues [↓](#)



## Gambling Venues Policy Review 2020

### Statement of Proposal

#### Background

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In accordance with the Gambling Act 2003 and the Racing Act 2003, the Council is required to have a policy on Class 4 gambling and TAB venues (Policy). This combined Policy is due for review every three years. The Policy determines whether Class 4 and standalone TAB venues can be established in the district and, if so, where they can be located. Through these controls, the Policy aims to minimise harm to the community caused by this type of gambling.

A venue (licensed premise for gaming machines) is required to gain consent from the territorial authority under its Class 4 Gambling Policy before it can apply to the Department of Internal Affairs for a licence to operate class 4 gambling.

Class 4 gambling involves gaming machines (also known as pokies). The machines are owned by societies or clubs and run by venues. A proportion of the net proceeds are required to be distributed to the community, or to a club's approved purposes.

TAB venues are legislated for under the Racing Act 2003. Council only has jurisdiction over numbers and locations of standalone TAB venues, not TAB outlets or agencies that are part of a business or bar.

#### The Proposal

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Council is reviewing its existing Policy (2017), known as a cap policy. The proposed Policy provides for a continuation of the existing Policy in regards to the number of venues allowed and where they may be situated in the Napier District, but proposes to reduce the number of machines to 298 from 320. We want to know if you think the reduced cap Policy strikes an appropriate balance between permitting responsible gambling and minimising harm to the community as required by the Acts.

The current Policy sets the following conditions:

- a cap on the number of class 4 venues at 20,
- a cap on the number of machines at 320, proposed to reduce to 298
- a cap of 3 machines in the Taradale Suburban Commercial Zone,
- a cap on TAB venues at 2,
- ability for licence holders to relocate machines from both class 4 and TAB venues,

- ability for incorporated clubs when amalgamating to merge machine numbers within set limits.
- Limiting new or relocating venues to locations within the following zones – Inner City Commercial Zone; Art Deco Quarter; Fringe Commercial Zone; Ahuriri Mixed Use Zone; Main Industrial Zone; West Quay Waterfront; Taradale Suburban Commercial Zone (3 max.)

Council also wishes to hear from our community of any ideas for managing and minimising the harm caused by gambling in general.

#### Reasons for the proposal

Under this cap policy, there is provision for the consent of new venues once numbers fall below the cap. Council would like to continue to control the location of these venues in order to minimise harm to the community. Council would like to continue its policy of locating these venues outside the neighbourhood centres, known as Suburban Commercial Zones in the District Plan, in favour of locating them in the centre of town so that they are more accessible for visitors and tourists.

The cap policy set at 20 venues and 320 machines has been in existence in Napier since 2013 albeit with the added changes in 2017 around relocation, mergers, restrictions on new/relocated venues in certain zones and the specific cap of 3 venues in Taradale. Council is proposing to reduce the number of gaming machines from 320 to 298 as this is the number of consented machines currently in Napier.

Council want to hear if you think this Policy strikes the right balance between the potential harm from this form of gambling against the benefits of providing for gaming machine use.

#### Analysis of options

The Council, in consultation with the community, have the opportunity to consider the following gambling venue policy options during this review.

<b>Option</b>	<b>Benefits</b>	<b>Disadvantages</b>
<b>1. Status quo</b> - Retain the cap at 320 machines and 20 venues and 2 TAB venues - Retain relocation policy and Club Merger Policy - Retain restrictions on new/relocated venue locations - Cap of 3 venues in Taradale	Will provide no further opportunities for gambling from what currently exists.  Provide a continuing opportunity for business growth, especially in the hospitality industry.  Retain current level of funding for community projects.  Provide entertainment opportunities at same level for those who choose to gamble.  Enables the reestablishment of Class 4 venue within specified zones.	May not reduce gambling harm  Can normalise an accepted problem activity.  Create more opportunity for the negative impacts of gambling  Increase the likelihood of occurrence of gambling addiction, with subsequent negative impacts on family life and the extended community impacts.  Greater potential for more personal harms (depression, anxiety, suicide, mental and physical health problems, financial) and social harms (crime).

	<p>Protects vulnerable communities (Taradale) and certain zones.</p> <p>Allows for natural relocation of venues/machines and mergers of clubs.</p>	<p>Limited controls compared to other policy options.</p> <p>Greater exposure to sensitive activities such as residential activities, early childhood centres and places of assembly.</p>
<i>Option</i>	<b>Benefits</b>	<b>Disadvantages</b>
<p>2. <b><i>Reduced Cap - decrease machines cap to current level of 298</i></b></p> <p><b><i>(proposed option for consultation)</i></b></p>	<p>Responds to and ensures continued natural attrition of venues/gaming machines in District.</p> <p>Would probably result in retention of funding for community projects at current levels.</p> <p>Provides entertainment opportunities for those who choose to gamble.</p> <p>Ceasing relocations and club mergers will stop the ability of the 'problem' being shifted and will accelerate natural attrition.</p>	<p>Will not allow for new Class 4 gambling opportunities in District.</p> <p>Continued level of potential for more personal harms (depression, anxiety, suicide, mental and physical health problems, financial) and social harms (crime).</p> <p>May result in unintended consequence of making existing venues/machines more valuable and less likely to close or move out of already vulnerable areas.</p>

<b>Option</b>	<b>Benefits</b>	<b>Disadvantages</b>
<p>3. <b>Sinking Lid</b> i.e. Once a venue or machine is 'handed in' or 'decommissioned' it is unable to be replaced anywhere throughout the City.</p> <p><i>This would negate the need for 'caps'. It's suggested within this Option that 'relocations' and 'mergers' are also removed from the Policy further enhancing the 'sinking' nature of the Policy.</i></p>	<p>Ensures continued decline of Class 4 gambling machines in the District through natural attrition.</p> <p>No immediate reduction in grant funding of community projects.</p> <p>Restrains increase in problem gambling and its effects on the community.</p>	<p>May inhibit general hospitality growth.</p> <p>Potential lessening of grant funding for the community over time.</p> <p>May cause movement toward online gambling which is unregulated.</p>
<p>4. <b>Remove relocations and/or mergers</b></p> <p><i>In addition to any option above, further option of removing ability for gaming machines to be relocated and/or for clubs to merge.</i></p>	<p>Ceasing relocations and club mergers will stop the ability of the 'problem' being shifted and will accelerate natural attrition.</p> <p>Prevents the merging of club machines to create small casino effect on one site (venues can only have a max of 30 machines on one site)</p>	<p>May prevent venues from being relocated from deprived areas.</p> <p>Ceasing club merger of machines may prevent clubs' ability to naturally merge</p>

**Have your say:** Before making any final decisions on this policy or the prevention of gambling harm generally, we'd like to have your input. Submissions may be lodged between 18 January and 17 February 2021. You can make a submission:

- Online submission: [www.sayitnapier.nz](http://www.sayitnapier.nz);
- Post: Napier City Council, Private Bag 6010, Napier 4142; or
- Delivering your submission in person to the Customer Services Centre, Dunvegan House, 215 Hastings Street, Napier.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.



Draft Gambling Venues Policy			
Approved by	Council		
Department	City Strategy		
Original Approval Date	19 July 2017	Review Approval Date	
Next Review Deadline	19 July 2020	Document ID	
Relevant Legislation	Gambling Act 2003 and Racing Act 2003		
NCC Documents Referenced	Napier District Plan		

## Purpose

The purpose of this policy is to:

- Address the cumulative effects that additional opportunities for gambling in the district could present our community
- ~~To curb~~ the growth of gambling in the district
- ~~To minimise~~ the harm to the community caused by gambling
- Control the LOCATION of class 4 gambling and TAB board venues

## Definitions

- Class 4 Gambling means gambling that utilises or involves a gaming machine as defined in the Gambling Act 2003
- Club means a voluntary association of persons combined for a purpose other than personal gain
- Gaming Machine means a device whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for the use in gambling. Also commonly known as 'pokie machines'
- TAB Board Venue means the premises that are owned or leased by the NZ Racing Board where the main business carried ~~on~~ out at the premises is providing racing or sports betting services.

## Policy

### 1. Total number of venues and machines to be allowed

- New class 4 and TAB board venues may be established, subject to the following conditions:
  - The maximum number of gaming venues in the Napier does not exceed 20;
  - The maximum number of class 4 gaming machines in the Taradale Suburban Commercial Zone does not exceed 3;
  - The total number of Class 4 gaming machines in the Napier District does not exceed ~~320~~298;
  - The maximum number of TAB board venues will not exceed 2.

**2. Number of gaming machines allowed per venue**

- a. The maximum number of gaming machines for Class 4 venues, clubs and TABs shall be the same as allowed under section 92, 93 and 94 of the Gambling Act 2003:

Category	Number of Machines
Licensed on or before 17 October 2001	18
Licensed since 17 October 2001	9

**3. Class 4 and TAB board venue relocations**

- a. A class 4 gambling licence holder who holds consent from Council to operate in the Napier District may apply for consent to relocate.
- b. A consent to relocate is subject to the conditions provided in the policy and in accordance with section 97A of the Gambling Act:

The maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled.

**4. Club Mergers**

- a. Upon amalgamation of incorporated clubs operating a class 4 venue, the maximum number of machines of the new entity shall:
- Where the total number of machines operated by the clubs exceed 30, the maximum shall be 30 gaming machines, or such lesser number determined by resolution of Council.
  - Where the total number of gaming machines operated by the clubs is greater than 17 but less than 31, the max. shall not exceed the amalgamated total.

**5. Conditions for Consent**

- a. New or relocating venues may only be located within the following zones specified in the Napier City Council District Plan:
- Inner City Commercial Zone
  - Art Deco Quarter
  - Fringe Commercial Zone
  - Ahuriri Mixed Used Zone
  - Main Industrial Zone
  - West Quay Waterfront
  - Taradale Suburban Commercial Zone (maximum of 3 venues)
- b. Applicants must meet all application, declaration and fee requirements.

**Policy Review**

The review timeframe of this policy will be no longer than every three years.

**Document History**

Version	Reviewer	Change Detail	Date
	To be populated		

## Summary of Submissions to Napier Gambling Venues Policy Review

Summary of submissions to the Napier Gambling Venues Policy Review					
Sub. Number	Submitter	Organisation	Support for proposal	Summary of Submission	Wish to be Heard?
#1	Test Sub.			Test Submission	
#2	Georgia Dowling	Individual	Yes	<ul style="list-style-type: none"> <li>Advocates for fewer machines within each venue</li> </ul>	No
#3	Andrew Germann	Individual	Yes	<ul style="list-style-type: none"> <li>Support reducing cap from 320 to 298</li> </ul>	No
#4	Gaye Herried	Individual	Yes	Nil	No
#5	Ted and Jane Allan	Individual	Yes	<ul style="list-style-type: none"> <li>Supports reducing the cap every three years</li> <li>Advocates for no relocation policy if a venue closes</li> </ul>	No
#6	Nathan Monk	Individual	Yes	<ul style="list-style-type: none"> <li>Would like to see cap come down faster than they are.</li> </ul>	No
#7	Lynda Otter	Individual	Yes	<ul style="list-style-type: none"> <li>Proposed option appears to be one that would do least harm</li> </ul>	No
#8	Dan Nightingales	Individual	Yes	<ul style="list-style-type: none"> <li>100% reduce machines</li> </ul>	No
#9	Christine Miller	Individual	Yes	<ul style="list-style-type: none"> <li>Thinks 320 machines and 20 venues is far more than we need</li> </ul>	No
#10	Raymond McHalick	Individual	Yes	<ul style="list-style-type: none"> <li>Likes that the number of machines can be reduced</li> </ul>	No
#11	Lena Ripley	Individual	Yes	<ul style="list-style-type: none"> <li>Agrees with machine reduction.</li> </ul>	No
#12	Susan Jacobs	Individual	No	<ul style="list-style-type: none"> <li>Prefers 'Sinking Lid' approach</li> </ul>	No
#13	Rachael Walker	Individual	Yes	Nil	No
#14	G King	Individual	Yes	<ul style="list-style-type: none"> <li>Does not support relocations when venues close</li> </ul>	No
#15	Jay Lamburn	Individual	No	<ul style="list-style-type: none"> <li>Supports tightening of policy.</li> <li>Advocates venues not being allowed to sell alcohol or food.</li> </ul>	No
#16	Giles Pearson	Individual	Yes	<ul style="list-style-type: none"> <li>Would also support sinking lid policy.</li> </ul>	No
#17	John Conneely	Individual	No	<ul style="list-style-type: none"> <li>Machines are a public poison that have no place in society and should be banned.</li> </ul>	No
#18	Graeme Chapman	Individual	No	<ul style="list-style-type: none"> <li>Need a complete rethink as current policy does not work</li> <li>Pokies should not be allowed in pubs and there should be only one venue locally controlled by the local authority</li> </ul>	No

Summary of Submissions to Napier Gambling Venues Policy Review

#19	Peter Sapper	Individual	Yes	<ul style="list-style-type: none"> <li>Suggests limiting even further.</li> </ul>	No
#20	Ruth Smithies	Individual	Yes	<ul style="list-style-type: none"> <li>Congratulations on reducing number of venue and machines</li> </ul>	No
#21	Vicki Berkahn	Hawkes Bay Gambling Harm Services	No	<ul style="list-style-type: none"> <li>Supports Option 3 – sinking lid together with Option 4 – remove relocations</li> </ul>	Yes
#22	Graeme Etheridge	Individual	No	<ul style="list-style-type: none"> <li>Suggests sinking lid policy with no relocations.</li> </ul>	No
#23	Renee Berry	Individual	No	<ul style="list-style-type: none"> <li>Supports options 3 and 4</li> </ul>	No
#24	Sven van Dulm	Individual	No	<ul style="list-style-type: none"> <li>Prefers that pokie machines are phased out</li> <li>Should be located in industrial areas only</li> </ul>	No
#25	John Wuts	Individual	Yes	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy</li> </ul>	No
#26	Toni-Jane White	Individual	Yes	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy</li> </ul>	No
#27	Bryce Croom	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#28	Soraya Longtime	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> <li>Gives overview of her mother's addiction with pokie machines</li> </ul>	No
#29	Repeat of #28	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> <li>Gives overview of her mother's addiction with pokie machines</li> </ul>	No
#30	Paul Bailey	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#31	Rob Vork	Individual	No	<ul style="list-style-type: none"> <li>Get rid of all pokie machines</li> </ul>	No
#32	Andrea Plumpton	Pirimai Baptist Church	No	<ul style="list-style-type: none"> <li>Support sinking lid policy</li> <li>Reduce hours</li> </ul>	No
#33	Edward Timu	Napier Baptist Riverbend Road	No	<ul style="list-style-type: none"> <li>Against anything that destroys the community.</li> </ul>	Yes
#34	Colin Dolley	Individual	Yes	<ul style="list-style-type: none"> <li>Limit Class 4 gambling machines to one venue only</li> </ul>	No

## Summary of Submissions to Napier Gambling Venues Policy Review

#35	Aaron O'Neill	Individual	No	<ul style="list-style-type: none"> <li>Supports sinking lid policy</li> </ul>	No
#36	Tanya Piejus	NZCT	No	<ul style="list-style-type: none"> <li>A cap on machine numbers an effective relocation policy is much fairer on hospitality as well as helping address problem gambling</li> <li>Sinking lids are a blunt instrument that reduces community funding over time and does nothing to reduce problem gambling, which is a complex addiction.</li> <li>Provides background paper supporting submission and detailing industry statistics</li> </ul>	Yes
#37	Isabel Wood	Taradale Senior Citizens Club	Yes	<ul style="list-style-type: none"> <li>Supports reduced cap of 298, along with Option 2 – Sinking Lid AND Option 4 – removing relocations and/or mergers.</li> </ul>	No
#38	Jarrold True	Gaming Machine Association of NZ	No	<ul style="list-style-type: none"> <li>Seeks retention of status quo cap of 320 to allow for a small amount of future growth (option 1)</li> <li>Supports retention of current sensible relocation policy.</li> </ul>	Yes
#39	Patrick Le Geyt	Hawkes Bay District Health Board	No	<ul style="list-style-type: none"> <li>Do not support Council's proposal</li> <li>Strongly recommend adoption of a sinking lid policy and remove the current relocation policy.</li> </ul>	Yes
#40	Bruce Carnegie	Grey Power Napier	Yes	<ul style="list-style-type: none"> <li>Supports reduced cap of 298, along with Option 2 – Sinking Lid AND Option 4 – removing relocations and/or mergers.</li> </ul>	No
#41	Vicki Berkahn	Te Rangihaeata Oranga Trust	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> <li>Would like to hear how Council has met its LGA and TOW obligations after choosing to ignore the recommendation of its Maori Committee which recommended a sinking lid option.</li> <li>Provided supporting information</li> </ul>	Yes
#42	Robyn Gwynn	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> <li>Provides supporting information from her experience with working and studying Gambling.</li> </ul>	Yes

Summary of Submissions to Napier Gambling Venues Policy Review

#43	Mark Cleary	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#44	Maxine Boag	Individual	No	<ul style="list-style-type: none"> <li>Seeks addition of a sinking lid, no club mergers and no relocations</li> <li>Seeks Council write to DIA's that they undertake a review of the legislation and produce a budget and timeline for replacement of gaming grants to wean community off gaming trust dependency.</li> </ul>	Yes
#45	Martin Cheer	Pub Charity Limited	Yes	<ul style="list-style-type: none"> <li>Supports Option 1 (cap on machines from 320 to 298) with the caveat that research indicates caps and sinking lids have no impact on problem gambling etc</li> </ul>	Yes
#46	Nan Cowan	Individual	No	<ul style="list-style-type: none"> <li>Should go further and implement the 'sinking lid'</li> </ul>	No
#47	Aaron Greaves	Individual	Yes	Nil	No
#48	Samuel Harvey	Individual	No	<ul style="list-style-type: none"> <li>Suggested policy does not go far enough and advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#49	Margaret Edwards	Individual	No	Nil	No
#50	Israel McNabb	Individual	No	<ul style="list-style-type: none"> <li>Doesn't go far enough</li> <li>Make it less accessible to get to machines</li> </ul>	No
#51	Mark Burgess	Individual	Yes	<ul style="list-style-type: none"> <li>Reduce to 298 asap and apply option 3 sinking lid</li> </ul>	No
#52	Ryan Kaarsemaker	Individual	No	<ul style="list-style-type: none"> <li>Supports reduction in number of gambling machines and supports further reductions.</li> </ul>	No
#53	Joanna Bebarfald	Individual	No	<ul style="list-style-type: none"> <li>Wishes to see greater reduction in gambling machines.</li> </ul>	No
#54	June Bradley	Individual	No	<ul style="list-style-type: none"> <li>Proposal does not go far enough.</li> </ul>	No
#55	Mike Moriarty	Individual	No	<ul style="list-style-type: none"> <li>Proposal does not go far enough.</li> </ul>	No
#56	Mari Lamborn	Individual	No	<ul style="list-style-type: none"> <li>Proposal does not go far enough.</li> </ul>	No
#57	Grassroots Trust	Grassroots Trust Central Limited	No	<ul style="list-style-type: none"> <li>Seeks Council to retain status quo (Option 1) Policy i.e. retaining the current gaming machine and venue capped levels and venue relocation provisions.</li> </ul>	No
#58	The Lion Foundation	The Lion Foundation	Yes	<ul style="list-style-type: none"> <li>Supports the proposed policy – Option 2 reduced cap</li> <li>Supports retention of relocation policy</li> <li>Provided data in support of their submission</li> </ul>	Yes

Summary of Submissions to Napier Gambling Venues Policy Review

	(Samantha Alexander)				
#59	Grassroots Trust	Grassroots Trust	No	<ul style="list-style-type: none"> <li>Seeks Council to retain status quo (Option 1) Policy i.e. retaining the current gaming machine and venue capped levels and venue relocation provisions.</li> <li>Suggests there is no evidence that sinking lid policy reduces venue and gaming machine numbers.</li> <li>Provided data in support of their submission</li> </ul>	No
#60	Liz Lambert	Safer Napier Strategic Group	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines (Option 3 and 4)</li> </ul>	Yes
#61	Jen Harvey	Individual	No	<ul style="list-style-type: none"> <li>Proposal does not go far enough.</li> </ul>	No
#62	Wenerei Thompson	Individual	No	<ul style="list-style-type: none"> <li>Supports sinking lid policy</li> <li>Provided findings from Gisborne District Council gaming venue policy</li> </ul>	No
#63	Tina Mclvor	PGF Group	No	<ul style="list-style-type: none"> <li>Advocates for a strong sinking lid policy rather than the proposed cap of 298.</li> <li>Propose also that there be no relocations and club mergers to enhance the sinking lid</li> <li>Provided data in support of their submission</li> </ul>	Yes
#64	Kerry Bird	One Foundation Limited	No	<ul style="list-style-type: none"> <li>Advocates Council retains the current cap (option 1) and retains the current relocation provisions</li> </ul>	No
#65	Dorothy Paki	Napier RSA and Hospitality NZ	No	<ul style="list-style-type: none"> <li>Supports current Status Quo (Option 1)</li> <li>Provided supporting data</li> </ul>	Yes
#66	Janell Dymus / Selah Hart	Hapai Te Hauora	No	<ul style="list-style-type: none"> <li>Believes current policy is a weak public health harm minimisation policy which prioritises hospitality before health</li> <li>Recommends removing the relocation policy (but continue to allow for mergers – to be reviewed in the next policy.</li> <li>Recommends removal of the relocation policy.</li> <li>Recommends introduction of a sinking lid policy</li> </ul>	No

Summary of Submissions to Napier Gambling Venues Policy Review

				<ul style="list-style-type: none"> <li>• Recommends incorporation of a proximity policy i.e. number of venues permitted in each area determined by comparing GDP and population size of each area.</li> </ul>	
#67 Duplicate of #64	Kerry Bird	One Foundation Limited	No	<ul style="list-style-type: none"> <li>• Advocates Council retains the current cap (option 1) and retains the current relocation provisions</li> </ul>	No
#68	Angela Denby	Individual	No	<ul style="list-style-type: none"> <li>• Recommends adding a 'sinking lid' (Option 3) and removing relocations and mergers (Option 4)</li> </ul>	Yes
#69 (Late)	Larry Graham	Napier Clubs	No	<ul style="list-style-type: none"> <li>• Advocates status quo policy (Option 1) stays in place, and</li> <li>• Opposes any new policy that prevents clubs from merging or relocating.</li> </ul>	No
#70 (Late)	Randal Godfrey	Four Winds Foundation	No	<ul style="list-style-type: none"> <li>• Supports status quo policy of 320 cap (Option 1)</li> <li>• Supplied supporting industry data</li> </ul>	?
#71	Wiremu Waretini	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#72	Heath Tito	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#73	Rebecca Wonoa	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#74	Joy Shaw	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#75	Lorraine Tipene	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#76	Jane Simpson	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#77	Heneriata Edmonds	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#78	Cath Healey	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#79	Sharon Jenkinson	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	Yes
#80	Chris Chand	Individual	No	<ul style="list-style-type: none"> <li>• Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No

Summary of Submissions to Napier Gambling Venues Policy Review

#81	Susan McGee	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#82	Bella Whata	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#83	Dean Dawson	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#84	Ezra TeHuia	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#85	Theresa Aranui	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#86	Tamati Birch	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#87	Chelsea Olsen	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#88	Jimmy Ngarotata	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#89	Shari Tidswell	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#90	Roimata Kapene	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#91	Marrian Moeke	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#92	Taylor Hita	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#93	Sam Carule	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#94	Alexia Wineti	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#95	Ali Beal	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No
#96	Vanessa Moke	Individual	No	• Advocates a sinking lid policy and ban on relocation of existing machines	No

Summary of Submissions to Napier Gambling Venues Policy Review

#97	Tracey Takiwa	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#98	Tu Hagherty	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#99	Kane Matoe	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#100	Aaron Killick	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#101	Vicki Berkahn	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#102	Tyson Leutele	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#103	Tipene Kapua-Smith	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#104	Apirana Ferris	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#105	Kai Jugo	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No
#106	Whitney Wikaire	Individual	No	<ul style="list-style-type: none"> <li>Advocates a sinking lid policy and ban on relocation of existing machines</li> </ul>	No

## 2. LOCATION OF APPROVED PSYCHOACTIVE PRODUCTS SALES POINTS POLICY HEARING REPORT

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Psychoactive Substances Act 2013
<i>Document ID:</i>	1295153
<i>Reporting Officer/s &amp; Unit:</i>	Rachael Horton, Manager Regulatory Solutions

### 2.1 Purpose of Report

This report provides an analysis of submissions received on the Location of Approved Psychoactive Products Sales Points Policy review.

The purpose of this report is for Council to consider and make decisions on the Location of Approved Psychoactive Products Sales Points Policy.

### Officer's Recommendation

That the Committee:

- a. Review the public submissions on the Location of Approved Psychoactive Products Sales Points Policy and determine whether any changes are required to the proposed policy.
- b. Adopt the Location of Approved Psychoactive Products Sales Points Policy as proposed

### 2.2 Background

In 2013 the Psychoactive Substances Act (the Act) was enacted in response to concerns about the harmful effects of psychoactive substances, which were at the time able to be sold without restriction or regulation.

The Act regulates the availability of psychoactive substances to only those people over the age of 18 and prohibits the sale of these substances from dairies, convenience stores, grocery stores and supermarkets; service stations; liquor outlets; premises that are not a fixed permanent structure<sup>1</sup>; vehicles or other conveyances<sup>2</sup>; and any other place or premises specified or described in the Regulations.

The Act also enables a territorial authority to implement a Psychoactive Products Sales Points Policy (Policy) relating to the sale of approved products within its district.

While territorial authorities cannot prohibit the sale of approved products, a Policy does enable geographic restrictions to be placed on selling psychoactive products within the district. This includes their proximity to other premises the selling of such substances, and their proximity to premises of a particular kind e.g. kindergartens, early childhood centres,

<sup>1</sup> e.g. tents and marquees

<sup>2</sup> e.g. mobile street carts

schools, places of worship, or other community facilities. A Policy is required to be reviewed every five years.

Section 66(2) permits a Local Authority's Policy to:

- a. Provide differently for different parts of its district; and
- b. Apply to only part (or two or more parts) or its district; and
- c. Apply differently to premises for which licences of different kinds are held or have been applied for.

Under Section 68, a Policy may include 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; and
- 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).

Council does not have a role in either licensing or enforcing psychoactive substances or approved substances under the Act. This is done by the Psychoactive Substances Regulatory Authority (Authority) of the Ministry of Health. The Authority license the legal sale of approved products under a pre-market approval scheme for importing, manufacturing, selling, supplying or possessing psychoactive substances or approved products. Under the Act, all psychoactive substances are prohibited unless the sponsor of the product can demonstrate to the Authority that it poses a low risk of harm to the people using them.

There are no products approved for sale in New Zealand, and no applications have been made to the Authority for a licence to sell approved products within either the Napier City or elsewhere in New Zealand.

Having reviewed the policy, officers continue to consider that the existing policy is fit for purpose, subject to any useful suggestions made through the submission process.

## 2.3 History

Following the 2013 commencement of the Psychoactive Substances Act, Napier City Council adopted its first Location of Approved Psychoactive Products Sales Points Policy on 1 December 2013.

The current Policy is simple in form and function and restricts possible points of sale (premises) to the Inner City Commercial zone and not within 100m of any existing childcare centre, school, library or place of worship. They must also be located a minimum of 300m apart from each other.

As part of the 2020 review, Officers held two workshops to determine Council's policy direction for consultation. The first workshop was also attended by the Chairperson of the Māori Committee.

Policy direction was given to strengthen the purpose and clause relating to the distance required from sensitive communities to ensure that the exposure to the selling of

approved products and their potential harm is minimised across all 'vulnerable' and sensitive sections of our community'.

Amendments to the current Policy were marked up in the draft Policy that went out for consultation.

## 2.4 Consultation

At its meeting on 17 December 2020, Council resolved to publically notify the proposed reviewed policy as per section 83 of the Local Government Act. The statement of proposal and amended policy were made available for public submissions from 18 January to 17 February 2021. See Attachment A

The objective of the consultation was to provide the community, and those with a special interest, with the opportunity to provide their feedback on the Policy.

The consultation included the draft amended policy with wording changes to the location of Psychoactive Substances Sales Points to not be permitted within 100 metres of any existing area where vulnerable or sensitive sections of our community congregate and includes childcare centres, schools, libraries or places of worship.

The consultation was advertised in print and digital media and the following bodies who were thought to have a special interest in the matter were directly notified:

- Hawke's Bay District Health Board
- Primary Health Organisations
- Family support services
- Industry
- CBD based places of worship, schools, childcares centres, library and other community facilities
- Māori social service and health providers
- Iwi / Hapū entities

## 1.5 Summary of Submissions

A total of twelve submissions were received with no submitters indicating they wish to be heard.

Eight submitters supported the proposed policy as consulted on (status quo) whilst four were not in support.

Of the four submitters who did not support the proposal, two questioned the need for the Policy when there are government controls, one wanted them banned completely and one wanted the separation distance from sensitive communities increased from 100m to 300m.

Officers note that while there are tight government controls around which products are approved to be sold in New Zealand, a local policy is required to control where those products may be sold within Napier.

Submission #12 from Hawkes Bay District Health Board gave an excellent overview of the current situation regarding these psychoactive products along with recommending Napier City Council continues with its current Policy including adding a definition for the newly introduced term 'vulnerable'.

Officers recommend that the term 'vulnerable' should have its own literal meaning as defined in the oxford dictionary and that examples of those types of vulnerable communities, as given in the Policy, is sufficient to assist Council to determine vulnerability.

To try and define the term would be problematic, and potentially limiting, as would trying to list every example of a community that may be vulnerable now or in the future.

A table summarising the submissions received and officer comments is provided in Attachment B.

## 1.6 Decision Options

If Council (and the Napier community) wish to directly influence where the Authority will permit such premises to be located within our city, Council must have in place an operational Policy as it will provide clear guidance to the Authority on what the people of Napier have determined is appropriate for the city.

The alternative is to let the Policy lapse and run the risk of a licence to sell Psychoactive Substances being approved anywhere in Napier.

Council has received submissions in relation to the Policy, the majority of which support what Council has proposed.

Officers are recommending Councillors consider the written submissions and adopt the Policy as proposed.

## 2.5 Attachments

- A Final 2020 Statement of Proposal Psychoactive Substances [↓](#)
- B Summary Table of Submissions and Officer Comments [↓](#)
- C Sub 01 Ronald Lane, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- D Sub 02 Susan Mackie, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- E Sub 03 Gaye Herries, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- F Sub 04 Lynda Otter, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- G Sub 05 Peter Sapper, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- H Sub 06 Michael Bradshaw, Psychoactive Product Sales Points Policy Submission.pdf (Under Separate Cover) [⇒](#)
- I Sub 07 John Porter, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- J Sub 08 Kathleen Law, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- K Sub 09 John Conneely, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- L Sub 10 Mark Burgess, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- M Sub 11 Connie Moroney, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- N Sub 12 Kim Maitland, Psychoactive Product Sales Points Policy Submission.pdf  
(Under Separate Cover) [⇒](#)
- O Sub 12 Hawke's Bay District Health Board Psychoactive Location Submission Attachment.pdf (Under Separate Cover) [⇒](#)



## Location of Approved Psychoactive Substance Sales Points Policy Review 2020

### Statement of Proposal

#### Background

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In accordance with the Psychoactive Substances Act 2013, the Council elects to have a policy on the location of points of sale for approved psychoactive substances. Synthetic cannabis is an example of a psychoactive substance. An approved psychoactive substance sale point is a place that sells psychoactive substances as defined by the Psychoactive Substances Act 2013.

While Council cannot prohibit the sale of approved psychoactive products, a policy enables Council (after consultation with its community) to restrict the geographical location of premises selling approved psychoactive products within Napier, including their proximity to other premises selling such substances and their proximity to premises of a particular kind e.g. kindergartens, early childhood centres, schools, places of worship, or other community facilities.

The policy is due for review no longer than every five years.

#### The Proposal

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Council considers that its existing policy (restricting points of sale to Inner City Commercial Zone, restricting the location of points of sale from being within 100 metres of certain sensitive communities, and requiring points of sale to be a minimum of 300 metres apart from each other) is fit for purpose. As a result, the proposed policy provides for a continuation of the status quo in regards to the location of approved psychoactive substance sales points.

However, Council are proposing the following amendments to the policy:

1. To strengthen the purpose and clause relating to the distance permitted from sensitive communities to include any existing area where vulnerable members of our community congregate and where sensitive communities are located, and includes childcare centres, schools, libraries or places of worship.

**Have your say:** Before making any final decisions on this policy, we'd like to have your input. Submissions may be made between 18 January and 17 February 2021. You can make a submission:

- Online submission: [www.sayitnapier.nz](http://www.sayitnapier.nz);
- Post: Napier City Council, Private Bag 6010, Napier 4142; or
- Delivering your submission in person to the Customer Services Centre, Dunvegan House, 215 Hastings Street, Napier.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.

#### Reasons for the proposal

The negative effects of psychoactive substances are well documented. Council would like to control the locations of approved psychoactive substance sales points within Napier:

1. To minimise the potential for adverse effects from the sale of approved psychoactive products in residential, tourism and industrial areas.
2. To minimise the potential for harm to vulnerable members of our community and for sensitive communities from the sale of psychoactive products.

While there are no products approved for sale in New Zealand currently and no sales points in Napier, there is no guarantee this situation will continue. It is prudent for Council to have a policy in place to protect certain parts of the community from any possible harm arising from approved products in the future.

Proposed changes to the wording have been marked in red in the draft policy attached to this Statement of Proposal.

#### Analysis of options

##### 1. Location of Approved Psychoactive Substance Sales Points

The Council, in consultation with the community, have the opportunity to minimise potential harm to vulnerable members of our community and sensitive communities through restrictions on the location of approved psychoactive substance sales points. The Council considered the following options in relation to locations of sales points:

Options	Benefits	Disadvantages
1. <i>Status quo – restrict sales to Inner City Commercial Zone with further restrictions around the proximity to similar premises and vulnerable and sensitive communities</i>	Keeps sales points away from residential, tourist and industrial areas and vulnerable and sensitive communities	Sales points permitted within Napier's CBD
2. <i>Lift proximity restrictions to similar premises, allow sales in other areas of the city</i>	Increased commercial opportunities for sellers	Greater level of potential harm to community, harm spread across areas of Napier where it is difficult to monitor.
3. <i>Allow the policy to lapse/have no policy</i>	Increased commercial opportunities for sellers. No cost to council for policy development and management.	Sales Points may be licensed to sell from anywhere in Napier causing unregulated spread. Significant risk of harm to the community. Normalises the use of psychoactive substances. Fails to provide Ministry of Health guidance from the community on where sales points are best located.



## Draft Location of Approved Psychoactive Products Sales Points Policy

Approved by	Council		
Department	City Strategy		
Original Approval Date	1 December 2013	Review Approval Date	
Next Review Deadline	1 December 2018	Document ID	
Relevant Legislation	Psychoactive Substances Act 2013		

### Purpose

1. To minimise the potential for adverse effects from the sale of approved psychoactive products in residential, tourism and industrial areas.
2. To minimise the potential for harm to **vulnerable and sensitive sections of our community** (such as places of worship, family focussed and child focussed areas) from the sale of psychoactive products.

### Policy

#### 1. Location of Psychoactive Substances Sales Points:

The location of points of sales of psychoactive substances are restricted by this policy to the Inner City Commercial zone as defined by the Napier City Council District Plan and illustrated in the map below.

They are not permitted to be within 100 metres of any existing **area where vulnerable or sensitive sections of our community congregate and includes** childcare centres, schools, libraries or places of worship.

Points of sale for approved psychoactive products must be located a minimum of 300 metres apart from each other.

Note: Separation distances are to be measured between the centre points of each premise in question.

### Policy Review

The review timeframe of this policy will be no longer than every five years.

### Document History

Version	Reviewer	Change Detail	Date
	To be populated		



## Location of psychoactive substances sales points

The information display is schematic only and serves as a guide. It has been compiled from Napier City Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastre Information has been Sourced from LINZ Data Service and licensed by LINZ for re-use under the Creative Commons Attribution 3.0 New Zealand licence. CROWN COPYRIGHT RESERVED. © Copyright Napier City Council

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Original Sheet Size: A4

## Summary of submissions to the Location of Approved Psychoactive Substances Sales Points Policy Review

Summary of submissions to the Location of Approved Psychoactive Substances Sales Points Policy Review					
#	Submitter	Organisation	Support for proposal	Summary of Submission	Officer Comment
#1	Ronald Lane	Individual	Yes	Supports proposed policy.	No comment required
#2	Susan Mackie	Individual	Yes	Only supports proposed policy as there are no other options. Would like to see a smaller location of sales points.	Sales points are already significantly restricted to the Inner City Commercial Zone and further restricted from being located within 100 metres of vulnerable and sensitive communities, and 300 metres from one another. The overall effect of these restrictions leaves very few options for Sales Points to be located.
#3	Gaye Herries	Individual	Yes	Supports proposed policy.	No comment required
#4	Lynda Otter	Individual	Yes	Supports proposed policy.	No comment required
#5	Peter Sapper	Individual	No	Proposes a separation distance of 300m minimum from sensitive communities.	The Inner City Commercial Zone is geographically a small area within the city. The overall effect of 300m between Sales Points and 100m distance from sensitive communities significantly limits the number and location of Sales Points within this area and sufficiently protects those sensitive/vulnerable to these products.
#6	Michael Bradshaw	Individual	No	Questions whether there is any reason to suggest products will continue not to be sold in Napier and NZ. Asks why we are considering this matter now, seven years after the advent of the Psychoactive Substances Act 2013.	There are no products approved for sale in New Zealand, and no applications have been made to the Authority for a license to sell approved products within either the Napier City or elsewhere in New Zealand. However, there is no guarantee this situation will continue and therefore officers believe it is prudent for Council to review its Policy in the event applications are made in the future to sell such products in Napier.

## Summary of submissions to the Location of Approved Psychoactive Substances Sales Points Policy Review

					The Act requires Council to review the Policy every five years.
#7	John Porter	Individual	No	Asks why Council is seeking submissions on their current policy when Psychoactive substances can only be sold when authorised by the Government.	The Act requires Council to review its Policy every five years. As the Act itself does not restrict the geographical locations that approved products can be sold, this is the responsibility of territorial authorities to develop a policy for where approved products can be sold within its locality. While no products are currently approved, there is no guarantee this situation will continue and therefore officers believe it is prudent for Council to review its Policy in the event applications are made in the future to sell such products in Napier.
#8	Kathleen Law	Individual	Yes	Supports proposed policy.	No comment required
#9	John Conneely	Individual	Yes	Wants sales banned totally.	Only government has the ability to ban product sales in New Zealand.
# 10	Mark Burgess	Individual	Yes	Make the Policy as restrictive as possible.	The amended draft Policy provides sufficient restrictions for Council to protect vulnerable and sensitive communities. As there are no products approved for sale in New Zealand, and no applications have been made to the Authority for a license to sell approved products within either the Napier City or elsewhere in New Zealand, it is not necessary to report or review the Policy more frequently.
# 11	Connie Moroney	Individual	No	Ban sale of all.	Only government has the ability to ban product sales in New Zealand.
# 12	Dr Nicholas Jones	Hawkes Bay District Health Board	Yes	<ul style="list-style-type: none"> <li>Gave background to the Act</li> <li>Notes that since the amended to the Act in 2014, there have been no approved substances and no applications for the manufacturing or retail have been received.</li> </ul>	<p>Very helpful information which supports the need for the Policy.</p> <p>To try and define the term would be problematic, and potentially limiting, as would</p>

**Summary of submissions to the Location of Approved Psychoactive Substances Sales Points Policy Review**

				<ul style="list-style-type: none"> <li>• Further notes unapproved psychoactive substances are still being seized, convictions are increasing as are hospital and ambulance presentations due to psychoactive substances and coroner reported deaths.</li> <li>• Notes a change within the draft NCC Psychoactive Products Sales Point Policy to include the term 'vulnerable' on page one.</li> <li>• Believes NCC should continue to have a policy although its unlikely psychoactive substances will be approved in the near future.</li> <li>• Approves the revised policy and introduction of the term 'vulnerable' however recommends the term is defined to provide clarity.</li> </ul>	<p>trying to list every example of a community that may be vulnerable now or in the future.</p> <p>Council have greater discretion by allowing the term to have its own literal meaning as defined in the oxford dictionary. The examples of those types of vulnerable communities, as given in the Policy, is sufficient to assist Council to determine vulnerability.</p>
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