



Hastings District Council

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OPEN MINUTES

COUNCIL - EXTRAORDINARY

Meeting Date: **Friday, 6 December 2013**

**Minutes of a Meeting of the Council - Extraordinary held on
6 December 2013 at 9.00am**

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HASTINGS DISTRICT COUNCIL

MINUTES OF A MEETING OF THE COUNCIL – EXTRAORDINARY HELD IN COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 6 DECEMBER 2013 AT 9.00AM

PRESENT:

Councillor Kerr (Chairperson), Councillors Bradshaw, Hazlehurst, Heaps, Lyons, Nixon, Pierce, Poulain, Roil and Watkins.

IN ATTENDANCE:

Chief Executive (Mr R McLeod)
Group Manager: Community Facilities & Programmes (Ms A Heather)
Group Manager: Corporate and Customer Services (Mr M Maguire)
Group Manager: Human Resources (Mrs B Bayliss)
Group Manager: Planning and Regulatory Services (Mr J O'Shaughnessy)
Group Manager: Strategy and Development (Mr D Morgan)
Senior Environmental Planner (Ms C Boulton)
Democratic Support Manager (Mr R Palmer)

1. APPOINTMENT OF CHAIRPERSON

It was noted that with the absence of His Worship the Mayor and the Deputy Mayor the meeting needed to appoint a Chairperson.

Councillor Watkins/Councillor Hazlehurst

That Councillor Kerr be appointed as Chairperson for the meeting.

CARRIED

2. APOLOGIES & LEAVE OF ABSENCE**Apologies**

Councillor Kerr/Councillor Poulain

That apologies for absence from Mayor Yule, Councillor Bowers, Councillor O'Keefe, Councillor Dixon and Councillor Lester be accepted.

CARRIED COS/1

3. CONFLICTS OF INTEREST

Councillor Hazlehurst advised that she had received professional advice which indicated that although she had signed the petition to have the Government introduce a total ban on psychoactive substances she did not have a conflict of interest.

Councillor Poulain raised that she might be regarded as having a conflict of interest as she had also signed the petition but in addition was a member of the Hawke's Bay District Health Board (HBDHB).

The meeting was advised that the Officers' opinion backed up by legal advice was that as the Board of HBDHB had not been involved in the submission there was no conflict.

4. **SUSPENSION OF STANDING ORDERS**

Councillor Kerr/Councillor Watkins

That standing orders be suspended to enable the hearing of public submissions.

CARRIED COS/2

5. **LOCAL APPROVED PRODUCTS POLICY HEARING**

Document number 13/768

The Senior Environmental Planner introduced the report explaining the background to the draft policy and the process to date.

Submitters were then given the opportunity of speaking to the Council in support of their submissions.

- i) **Hawke's Bay District Health Board**
Anna Apatu and Jenny Mears made a presentation to the meeting outlining the type of products which were being sold and the side effects which they could induce in some of the users. Generally 1 user in 40 sought medical help. They explained that the long term effects of sustained use of the products was an unknown, but the effects of the synthetic substances were generally more severe than with natural cannabis.

They also elaborated on the Health Board's submission which sought a separation distance between outlets and a restriction on the hours of sale.

The meeting was advised that since the introduction of the legislation there had been a drop in the number of persons visiting the emergency health services.

- ii) Jan Brown, spoke to the meeting advising that she had considerable experience as a nursing practitioner in Glasgow and more recently in Flaxmere. She was adamant that the substances were likely to cause severe mental health problems in the future and banning them was the only logical solution.
- iii) **Hawke's Bay CAYAD**
Kevin Tamati, Dennis O'Reilly and Tareha O'Reilly spoke to the meeting advising that in reality alcohol was probably more of a problem than the synthetic drugs. They acknowledged that the Government had adopted a harm minimisation approach to the problem which was probably more realistic than an outright ban. They expressed the opinion that there were good enforcement provisions available in the legislation and urged people to draw the Police's attention to breaches of the law.

- iv) Gordon Arcus, the part owner of Discretions expressed the opinion that any total ban of the substances would lead to an upsurge in illicit drug use. He also advised that he would like to see the sellers of the substances put in place a voluntary restriction on the hours of sale of 10.00 am to 7.00 pm.
- v) Hastings City Business Association.
Susan McDade advised that she was speaking on behalf of the majority of the Association's members who were concerned that there was already a problem in the CBD around people buying these substances and any concentration of outlets in this area would exacerbate the problem.
- vi) Sally Hawkins explained that as the operator of a retail business in the vicinity of an outlet selling these drugs they already experienced a range of anti-social behaviours which had a negative effect on the area, and deterred some clients from visiting the other shops and park in this part of town.
- vii) N.Z. Police
Nigel Hurley spoke of the intended Police reaction to the concerns of residents and shop owners indicating that they would be initiating high visibility policing in the vicinity of the businesses. He explained that where there previously had been 44 outlets in the Waipukurau/Hastings/Napier area there were now 3 with 1 more looking to become licensed.

Attendance: Cr Watkins left the meeting at 10.45 am

The meeting discussed the following main issues:

- Restricting outlets within 100m of a community facility
- Restricting outlets within 100m of premises where school holiday or youth programmes were run
- Banning the sale from outlets on Heretaunga Street

Attendance Cr Heaps left the meeting at 11.45 am

Councillor Roil/Councillor Kerr

A) That the report of the Senior Environmental Planner titled "Local Approved Products Policy Hearing" dated 6 December 2013 be received.

B) That Council receive the submissions of:

- 1 Jan Brown
- 2 Hawke's Bay CAYAD
- 3 New Zealand Police
- 4 Nickola Love
- 5 Ministry of Social Development
- 6 Hawke's Bay District Health Board
- 7 Mr Thomas O'Connell
- 8 Ross & Glenda Taylor

- 9 Adult Selections
- 10 Sally Hawkins
- 11 Mr Gordon Arcus
- 12 Hastings Business Association

C) That subject to the following amendments being made the Local Approved Products Policy (STR-3-8-13-6) as set out in Attachment 2 be adopted.

- i) The first bullet point under LAPP OUTCOMES be amended to read: “Contributing to a safe and healthy community where the negative effects of psychoactive substances are minimised”.**
- ii) The second bullet point under LAPP OUTCOMES be amended by adding before the word “Reflecting” the words “As far as practicable..”**
- iii) The first bullet point under OBJECTIVES OF THE LAPP be amended by replacing the words “support the” with the words “work within the..”**
- iv) The third bullet point under OBJECTIVES OF THE LAPP be amended by inserting the words “and youth” to follow the word “child”.**
- v) The fourth bullet point under OBJECTIVES OF THE LAPP be amended by adding the word “best” between the words “to” and “reflect”.**
- vi) Add an additional class of facility from which outlets are to be located 100m away called “Community facility”.**
- vii) Add a new definition “Community Facility” to the DEFINITIONS, such to include William Nelson Park and other parks/reserves or community facilities within the Central Commercial area.**
- viii) The date by which the policy must be reviewed be changed to December 2018.**

D) That the Chief Executive write to the Minister of Health with a copy to Bruce Atmore (Ministry of Health) expressing extreme concern at the limited decision making which the legislation has made available to local authorities and suggesting that local communities should be provided with the opportunity to have an input into the licensing of the sellers of psychoactive substances and the premises from which they are proposed to be sold under a model similar to that applying in respect of the sale of alcohol.

CARRIED COS/3

Councillor Bradshaw expressed concern that no provision was being made to give recognition to the presence of facilities from which school holiday and other youth programmes were delivered.

Councillor Bradshaw recorded his vote against the motion

The meeting closed at 12.25 pm

Confirmed:

Chairman:

Date: