



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**

## **Supplementary Reports Strategy and Policy Committee Meeting**

**Tuesday, 3 May 2022**

**Time: 9:30 am**  
**Location: Council Chamber**  
**Memorial Avenue**  
**Kaikohe**

**Membership:**

Cr Rachel Smith - Chairperson  
Cr David Clendon – Deputy Chairperson  
Mayor John Carter  
Deputy Mayor Ann Court  
Cr Dave Collard  
Cr Felicity Foy  
Cr Kelly Stratford  
Cr Moko Tepania  
Cr John Vujcich  
Member Belinda Ward – Chair, Bay of Islands-Whangaroa Community Board



## **Te Paeroa Mahi / Order of Business**

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## 5 REPORTS

### 5.5 ENDORSEMENT OF KAIPARA DISTRICT COUNCIL VAPING REMIT FOR ZONE 1 MEETING 9 MAY 2022

**File Number:** A3688043

**Author:** Caroline Wilson, Manager - District Administration

**Authoriser:** William J Taylor MBE, General Manager - Corporate Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek endorsement for Far North District Council in support of Kaipara District Councils' (KDC) remit on vaping at the Zone 1 meeting on 9 May 2022.

#### WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- KDC governance recently forwarded a proposed remit to FNDC governance requesting that they consider the remit on vaping
- Zone 1 meets on 9 May 2022 where this remit will be voted upon to proceed (or not) to the LGNZ Annual General Meeting (AGM)
- The Strategy and Policy committee has the delegated authority to endorse remits on behalf of Council.

#### TŪTOHUNGA / RECOMMENDATION

**That the Strategy and Policy Committee endorse the Kaipara District Council Vaping Remit 2022.**

#### 1) TĀHUHU KŌRERO / BACKGROUND

Councils proposing to submit a remit for consideration at the LGNZ Annual General Meeting must have the formal support of either 5 Councils, or of their Zone 1 Meeting. Kaipara District Council governance have circulated their proposed remit to their regional counterparts requesting their support at the Zone 1 meeting to be held on 9 May 2022. The deadline for submission of remits to LGNZ is Friday 20<sup>th</sup> May.

The Strategy and Policy Committee have the delegated authority to endorse remits on behalf of Council. The resolution of this meeting constitutes formal support as required under the LGNZ remit policy.

#### 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The remit application and supporting information is attached for reference. At a high level, the remit seeks to restrict the sale of vaping goods to R18 specialist vape stores and develop proximity limits to prevent the clustering of vaping product retailers and protect young people.

The remit is specific in that it refers to the particular circumstances experienced in Dargaville. In speaking to FNDC's bylaw team, it appears our district also has many outlets where vaping products are available and therefore our circumstances are similar to those of KDC.

The remit proposed meets the requirement of the LGNZ remit policy insofar as it addresses matters at a national political level and is relevant to the sector as a whole.

Ultimately, LGNZ will assess each remit prior to a decision to progress (or not) to the AGM. Councils will have an opportunity to vote for this remit at the AGM, if it progresses to that stage.




#### Take Tūtohunga / Reason for the recommendation

Support the KDC Vaping Remit to LGNZ.

### 3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications as a result of this report.

#### ĀPITIHINGA / ATTACHMENTS

1. **LGNZ Vaping Remit 2022 FINAL - A3688011** [↓](#) 
2. **A damning review of e-cigarettes shows vaping leads to smoking, the opposite of what supporters claim - A3688012** [↓](#) 
3. **Smokefree Aotearoa 2025 Action Plan - A3688014** [↓](#) 

**Hōtaka Take Ōkawa / Compliance Schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The LGNZ AGM will consider remits received from Councils. This report is to endorse KDC's remit on Vaping.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The remit has district wide relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	There are implications for all citizens within the district.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	There are implications for all citizens within the district
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications as a result of endorsing this remit for Zone 1.
Chief Financial Officer review.	CFO (Acting) has reviewed this report.

## LGNZ Remit 2022

### Density and Proximity of Vaping Retailers

Proposed by Kaipara District Council

That LGNZ requests the Government to:

- Restrict the sale of vaping products to R18 specialist vape stores.
- Develop proximity limits to prevent the clustering of vaping product retailers and protect young people.

#### Background Information

##### Issue

Vaping products are widely available from generic retailers (e.g., dairies, service stations) and specialist vape retailers. To date, New Zealand has 713 specialist vape stores;<sup>1</sup> a British American vape brand is available from 2000 retail outlets throughout Aotearoa.<sup>2</sup> Vaping products are also available via several online stores (both NZ-based and international).

Dargaville's main street, Victoria Street, has 13 vape retailers: ten General Vape Retailers and three Specialist Vape Retailers, all within a 1km length. The three licensed Specialist Vape Retailers are located within 150m of each other.

Youth vaping has risen sharply over recent years; among 14 to 15 year olds, daily vaping rose from 1.8% in 2018 to 9.6% in 2021; among 14-15 year old rangatahi Māori, daily vaping rose from 5.9% in 2019 to 19.1% in 2021.<sup>3</sup> Widespread product availability normalises vaping and makes experimentation easier.

Many towns and regions around New Zealand also need to address the proliferation of vaping outlets and rising vaping among rangatahi.

##### History

The widespread sale of vaping occurred in 2018, when the Ministry of Health lost a case taken against Philip Morris alleging their "HEETS" products breached the Smokefree Environments Act 1990. Until the Smokefree Environments and Regulated Products Amendment Act was passed in 2020, vaping products were largely unregulated and vaping manufacturers advertised their brands using youth-oriented promotions. Even post-legislation, retailers with little or no knowledge of vaping remain able to sell vaping products.<sup>4</sup>

Surveys of young people, such as the Youth19 survey and the Snapshot Year 10 survey conducted by ASH revealed many adolescents who had never smoked had begun vaping.<sup>5</sup> A 2021 report into youth

<sup>1</sup> <https://harp.health.nz/search/1DC97E34-E3F1-40E3-ADFE-30092B36F21C>.

<sup>2</sup> <https://vuse.co.nz/pages/store-locator>

<sup>3</sup> ASH NZ. Year 10 Snapshot Survey 2021 Topline – Youth Smoking and Vaping. Auckland: ASH NZ 2022.

Hoek J, Ball J, Roberston L, et al. Daily nicotine use increases among youth in Aotearoa NZ: The 2021 Snapshot Y10 Survey. In: Wilson N, ed. *Public Health Expert*. Wellington: University of Otago 2022.

<sup>4</sup> Hoek J, Freeman B. BAT(NZ) draws on cigarette marketing tactics to launch Vype in New Zealand. *Tobacco Control* 2019;**28**(e2):tobaccocontrol-2019-054967.

Bateman J, Robertson L, Marsh L, et al. New Zealand tobacco retailers' understandings of and attitudes towards selling Electronic Nicotine Delivery Systems: a qualitative exploration. *Tobacco control* 2020;**29**(e1):e25-e30.

Bateman J, Robertson LA, Marsh L, et al. An Analysis of E-Cigarette Marketing in New Zealand Tobacco Retail Outlets Prior to Legislative Change. *Nicotine & Tobacco Research* 2019;**22**(7):1221-1224

<sup>5</sup> Ball J, Fleming T, Drayton B, et al. New Zealand Youth19 survey: vaping has wider appeal than smoking in secondary school students, and most use nicotine-containing e-cigarettes. *Australian and New Zealand Journal of Public Health* 2021;**45**(6):546-553.

vaping found that 14.6% of those surveyed reported smoking one or more traditional cigarettes in the last 7 days and 26.6% reported that they had vaped (e-cigarettes) in the past 7 days. Almost all those (98%) who had smoked a traditional cigarette in the last week had also vaped in the last week. However, a significant portion (46.2%) of those who had vaped in the last week had not smoked a cigarette.<sup>6</sup> These data provide important evidence that youth vaping is rising rapidly and reveal that many young people who vape have never smoked.

The Smokefree Environments and Regulated Products Amendment Act 2020 extended many of the existing restrictions governing smoked tobacco products to vaping products. This legislation allows any business to sell vaping products as long as they follow the regulations for General Vape Retailers or apply to become a Specialist Vape Retailers.<sup>7</sup> However, the Vaping Regulatory Authority does not consider retailer density or proximity to facilities such as schools when assessing applications.

The Government's Smokefree 2025 Action Plan will introduce a provision requiring general retailers selling vaping products to advise the Director-General of Health that they are doing so. This provision aims to provide information on the number and type of retailers selling vaping products.<sup>8</sup>

We recognise that people who smoke and who have not been able to quit using existing treatments will benefit if they make a complete transition to vaping products and stop smoking. However, survey data showing rising vaping prevalence among young people suggests existing policy does not provide an appropriate balance between the needs of people who smoke and the rights of young people who do not, and who deserve protection from products that are designed to target them.

Limiting the retail availability of vaping products to specialist stores will not prevent people who smoke from accessing these products and instead will increase the likelihood they receive smoking to vaping transition advice that improves the chances they will stop smoking. Furthermore, people who smoke will continue to be able to access vapes through stop smoking services.

While we support the supply of vapes to people wanting to use these products to stop smoking, it is of the utmost importance that we also protect our community, particularly our rangatahi and other whānau who would not usually vape, from using these addictive products.

### Conclusion

The Smokefree Action Plan proposes that, in 2022, the Government will introduce an amendment Bill that allows only authorised retailers to sell smoked tobacco products. This measure will significantly reduce the current number of retailers, ensure retail supply is not concentrated in New Zealand's most deprived neighbourhoods, and further restrict young people's access to smoked tobacco.

We ask that the same measures are applied to restrict the number of vaping retailers and protect young people from an addiction that undermines their well-being.

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Hoek J, Ball J, Roberston L, *et al.* Daily nicotine use increases among youth in Aotearoa NZ: The 2021 Snapshot Y10 Survey. In: Wilson N, ed. *Public Health Expert*. Wellington: University of Otago 2022.

<sup>6</sup> <https://www.asthmafoundation.org.nz/assets/images/A-2021-report-into-youth-vaping.pdf>

<sup>7</sup> <https://www.health.govt.nz/our-work/regulation-health-and-disability-system/regulation-vaping-and-smokeless-tobacco-products/vaping-information-all-industry/vaping-information-specialist-vape-retailers#apply>

<sup>8</sup> Ministry of Health. 2021. *Smokefree Aotearoa 2025 Action Plan*. December 2021 Wellington: Ministry of Health.



22/04/2022, 09:58

A damning review of e-cigarettes shows vaping leads to smoking, the opposite of what supporters claim

## THE CONVERSATION

Academic rigour, journalistic flair



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### A damning review of e-cigarettes shows vaping leads to smoking, the opposite of what supporters claim

Published: April 7, 2022 8.00am NZST

**Paul Grogan**

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A major review on the health effects of e-cigarettes reflects what public health advocates have feared – escalating use of e-cigarettes in school-aged children, early warning signs of increased smoking rates in young Australians, and direct health harms of vaping in all ages.

The review, which was released today, was commissioned by the federal health department and conducted by researchers at the Australian National University.

Overall, it found the health risks from e-cigarettes significantly outweighed any potential benefits.

The review should silence lobbyists, who have long used data selectively to promote the sale of e-cigarettes. This is despite the fact previous reports, none as comprehensive and rigorous as this latest review, have delivered similar findings.

#### What does the review tell us?

<https://theconversation.com/a-damning-review-of-e-cigarettes-shows-vaping-leads-to-smoking-the-opposite-of-what-supporters-claim-180675>

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