

SOUTH WAIRARAPA DISTRICT COUNCIL

10 AUGUST 2016

AGENDA ITEM D1

REVIEW – ADOPTION OF GAMBLING VENUES POLICY AND PROPOSED TAB VENUES POLICY

Purpose of Report

To inform Council of the outcome of the reviews of the Wairarapa Gambling Venue Policy and the Wairarapa TAB Board Venue Policy after consideration of public submissions, and then to recommend the reviewed Gambling Venues and TAB Venues Policies to Council for final adoption.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Adopt the Gambling Venues Policy (as reviewed 2016).*
3. *Adopt the TAB Venues Policy (as reviewed 2016).*

1. Executive Summary

The Wairarapa Combined Policy Review Working Group has recently completed work on the review of both the Gambling Venues and TAB Venues Policies, including hearing and consideration of public submissions. These reviews were due under legislative requirements.

The outcome is that the Working Group is recommending each of the Council's adopt the reviewed policies.

2. Background

Council is required by legislation to have a Gambling Venues policy and TAB Board Venue policy (Gambling Act 2003, Gambling (Gambling Harm Reduction) Amendment Act 2013 and Racing Act 2003). The key intent of these policies is to minimise harm to the community caused by gambling.

In 2003 the three Wairarapa councils elected to develop joint policies to enable a consistent approach across the region.

Both policies are required to be reviewed at three year intervals and were last reviewed in 2011, with the respective policies being adopted in 2012. The current Gambling Venue Policy 2012 and TAB Board Venue Policy 2012 remain in effect until the Councils adopt the reviewed policies. The Wairarapa Policy Working group commenced the review process last year.

The overall objectives of both policies include:

- Gambling harm minimisation
- Council having regard to the social impacts of gambling
- Controlling the growth of gambling and
- Influencing the provision of gambling.

The Gambling Venues policy 2012 has a sinking lid where no additional gambling venues or gambling machines are permitted throughout the Wairarapa.

The TAB Board Venue policy 2012 requires any potential operator to seek approval from Council via an application and consent process prior to establishing a venue.

3. Policy Review Process

3.1 Legislative Changes

The Gambling (Gambling Harm Reduction) Amendment Act 2013 introduced provisions to allow for relocation policies, and requires Councils to consider whether to include a relocation policy when reviewing policies.

The Wairarapa Gambling Venues policy 2012 includes provision for relocation to be considered "due to extraordinary circumstances" under Section 3.0. Relocation requires consent and could not take place without Council approval via the consent process.

The Act provides for relocation of up to a maximum of 18 machines if consent is granted. The legislative cap of 18 machines means that there could not be any increase in gaming machine numbers across the Wairarapa as a result.

The Wairarapa Policy Working Group has reviewed these policies with support from the Technical Advisory Group.

3.2 Adopting a Policy

When adopting the reviewed Gambling Venues policy for consultation the Councils, in accord with legislative requirements:

- Specified whether or not gaming machines can be established and the restrictions on the maximum number of gaming machines.
- Set out a relocation policy; and
- Outlined how they had regard to the social impact of gambling.

When adopting a TAB Board Venues policy for consultation the Councils, in accord with legislative requirements:

- Specified whether or not Board Venues could be established and their location; and
- Had regard to the social impact of gambling and the characteristics of the district.

In doing so the Working noted that since 2012 there had been an overall decrease in the number of machines and venues throughout the Wairarapa, from 19 venues to 14 venues and from 240 machines to 188 machines.

The Working Group considered that these reductions indicated that the sinking lid approach was effectively managing machine and venue numbers.

As a result of the review, the Working Group did not recommended any changes to the intent of the policies. Minor changes were however made to some of the wording.

Consequently these reviewed policies were publicly notified under the special consultative process.

4. Public consultation/ hearing outcomes

4.1 Delegation

The three Wairarapa Councils agreed to delegate authority to the Wairarapa Policy Working Group to hear and consider any submissions; and make recommendations back to the three Councils in the form of final policies.

4.2 Public consultation

Public consultation was undertaken over May to June 2016. Six submissions were received (see Appendix 1 for a summary of all six submissions) from the following:

- Trust House Ltd
- UCOL
- Regional Public Health (two submissions – one for each policy)
- Lion Foundation
- The Salvation Army Oasis

4.3 Oral submissions at hearing

One submitter, Salvation Army Oasis Wairarapa, appeared at the hearings to elaborate on their written paper.

The Hearing was held at the Carterton Events Centre on 13 July 2016.

Submissions were generally supportive of the intent of both policies.

Submissions that requested specific amendments were considered as part of the Hearings deliberations process.

4.4 Hearing decisions

As a result of the hearings process, the Wairarapa Policy Working Group has not recommended any significant changes to the policy intent of either policy as publicly notified.

Proposed amendments are summarised in Appendix 1.

The Wairarapa Policy Working Group supports the continuation of the sinking lid approach for the Gambling Venue Policy.

Copies of the final and recommended 2016 policies are included in Appendix 2 (Gambling Venue Policy) and Appendix 3 (TAB Board Venue Policy).

5. Conclusion

The Gambling and TAB Venues Policies have been reviewed by way of the Joint Policy Working Group. These are now ready for Council to adopt.

6. Appendices

Appendix 1 – Summary of Amendments

Appendix 2 – Draft Gambling Venue Policy 2016

Appendix 3 – Draft TAB Venue Policy 2016

Contact Officer: Murray Buchanan, Group Manager, Planning and Environment.

Appendix 1 – Summary of Amendments

Summary of Amendments

Policy	Changes
<i>Gambling Venues Policy</i>	<ul style="list-style-type: none">• Condense content in Introduction section• Add additional objective (currently located in Introduction section)• Update venue/machine numbers• Update legislation references• Update dates• Use new standardised policy layout/format
<i>TAB Board Venues Policy</i>	<ul style="list-style-type: none">• Update dates• Use new standardised policy layout/format

Appendix 2 – Draft Gambling Venue Policy 2016



Wairarapa Gambling Venue Policy

2016

DRAFT

Adopted by:	[insert relevant Council/s and/or Council Committee meeting where it was adopted/approved]
Date of Approval:	xx/xx/xx
Policy Number:	MDC006
Review Date:	xx/xx/xx

The Gambling Act 2003 (the Act) that came into effect on 18 September 2003 requires territorial local authorities to have in place a policy that:

- specifies whether or not class 4 venues (hereafter referred to as gaming machine venues) may be established in its district and, if so, where they may be located
- may specify any restrictions on the maximum number of gaming machines that may be operated at any class 4 venue (the Act established a limit of nine machines on gaming venues)
- specifies whether or not TAB stand-alone venues may be established in the district

1.0 Objectives

- 1.1 To minimise the harm to the community caused by Class 4 gambling
- 1.2 To have regard to the social impacts of gambling in the Wairarapa Region
- 1.3 To control the growth of Class 4 gambling in the Wairarapa Region
- 1.4 To ensure that Councils and their communities have influence over the provision of new Class 4 gambling in the Wairarapa Region.

2.0 New Class 4 gambling venues may be established in the Wairarapa Region subject to the following restrictions

- 2.1 The number of gaming machine venues operating or consented in the Wairarapa Region as of 1 January 2016 (14) will not be allowed to increase i.e. no additional new gaming machine venues will be permitted. There will be no consents granted for any new class 4 venue in Masterton, Carterton and South Wairarapa Districts except as provided for in clause 3.4. The effect in those districts is that if a venue ceases to operate gaming machines no new venue can take its place.

This will mean that Masterton will have a maximum of five venues, Carterton a maximum of three and South Wairarapa will have a maximum of six.

- 2.2 Gaming machine venues existing or consented as at 1 January 2016 and not ceasing operations for any period longer than six months will be regarded as existing venues under this policy, and will be granted consent to continue their operations automatically.
- 2.3 Where two or more clubs merge the combined club may:
 - 1) Continue to operate existing venues.
 - 2) Operate on an existing single venue, which will be regarded as an existing venue for the purposes of this Policy, subject to section 4.4 of the policy.
 - 3) Apply to the Council for a single new venue to be established subject to section 3 of this Policy, provided that all existing venues are closed, subject to section 4.4 of the Policy.

~~2.4 No limit will be imposed on the number of stand-alone TAB Venues.~~

- 2.5 New Class 4 gambling venues may be established subject to compliance with the [4](#) Wairarapa Combined District Plan, fee and application requirements, and the conditions set out under 3.0:

3.0 The location of new Class 4 gambling venues will be subject to the following conditions

- 3.1 a) Council may permit a class 4 venue to re-establish at a new site where, due to extraordinary circumstances, the owner or lessee of the class 4 venue cannot

continue to operate at the existing site. Examples of such circumstances include, but are not limited to, the following:

- i. expiration of the lease; or
- ii. acquisition of property under the Public Works Act; or
- iii. site redevelopment.

b) Any permission to establish any new class 4 venue under this clause will be subject to the following conditions:

- i. the gambling venue operator at the new site shall be the same venue operator at the site to be vacated;
- ii. the number of gaming machines permitted to operate at the new venue will not exceed the number permitted to be operated at the existing site with a maximum of nine machines as provided by Section 94 of the Gambling Act 2003.

c) A TAB stand-alone venue with gaming machines may be considered as an alternate venue if a Class 4 Venue closed, subject to the conditions in this policy for Class 4 venues and conditions in the TAB [Board Venues](#) Policy.

3.2 New Class 4 gambling venues will not be permitted where the Council believes that the character of the district, or part of the district, for which the venue is proposed will be adversely affected, or where there is likely to be an adverse effect on any kindergartens, early childhood centres, schools, places of worship, or other community facilities.

3.3 To aid the Council in determining whether there is likely to be an adverse effect, all applications are required to be publicly notified [and will include a social impact statement](#). Applications will be determined by the Hearings Committee of the Council, which may receive submissions from the applicant and any interested parties at a public hearing.

3.4 Except in the case of a TAB stand-alone venue Class 4 gambling venues will not be approved outside premises authorised under the Sale and Supply of Alcohol Act 2012 to sell and supply liquor for consumption on the premise, and where the gaming area is designated as restricted and is visually and physically separated from family or children's activities.

4.0 Restriction on the number of gaming machines that are permitted to operate at any venue or class of venue

4.1 No increase in the number of gaming machines currently operating or consented in the Wairarapa Region as of 1 January 2016 (188) will be permitted).

4.2 Further to the provision above, no additional new gaming machines will be approved in any district beyond the number operating as of 1 January 2016, i.e.

Masterton	78
Carterton	45
South Wairarapa	65

In Masterton, Carterton and South Wairarapa Districts any gaming machine that is relinquished for a period of longer than six months may not be replaced on that site and may not be transferred to another site under any circumstances.

4.3 No venue may operate more than 18 gaming machines if existing at 17 October 2001 and not ceasing operations for any period longer than six months, or more than 9 machines if not existing prior to the 18 October 2001 or having ceased operations for any period longer than six months.

4.4 Where two or more club venues merge, the combined club may operate the lesser of 18, or the number of gaming machines both clubs operated immediately prior to the merger, subject to section 2.4 and 5.1.6 of this policy, and section 97A of the Gambling Act 2003.

5.0 Applications

5.1 Applications must be made on the approved form and must provide:

5.1.1 A scale site plan covering both gambling and other activities proposed for the venue including any screening or separation from other activities proposed.

5.1.2 Evidence of the authority to sell or supply liquor for consumption on the premise under the Sale and Supply of Alcohol Act 2012.

5.1.3 Name and contact details of the applicant.

5.1.4 Street address of the proposed or existing Class 4 gambling venue or TAB.

5.1.5 A copy of any certificate of compliance or resource consent required for the primary activity of the venue under the Wairarapa Combined District Plan.

5.1.6 Where the application relates to the merging of two or more clubs, details of the number of machines operated at each venue immediately prior to merger and the number of machines intended to be operated at each site as applicable.

6.0 Application Fees

6.1 Fees will be set by the Councils annually and will include consideration of the cost of:

- processing the application.
- establishing and triennially reviewing the Gambling Venues Policy.
- the triennial assessment of the economic and social impact of gambling in the Wairarapa.

7.0 Review of Policy

7.1 The policy will be reviewed every three years.

Appendix 3 - Draft TAB Venue Policy 2016



Wairarapa TAB Board Venue Policy

2016

Adopted by:	[insert relevant Council/s and/or Council Committee meeting where it was adopted/approved]
Date of Approval:	xx/xx/xx
Policy Number:	MDC007
Review Date:	xx/xx/xx

The purpose of the Racing Act 2003 (the Act) is to provide effective governance arrangements for the racing industry; facilitate betting on galloping, harness, greyhound races, and other sporting events; and to promote the long term viability of New Zealand racing.

The ~~Racing Act 2003 (the Act)~~ requires territorial local authorities to have in place a policy that specifies whether or not TAB stand-alone venues may be established in the district.

1.0 Objectives

- 1.1 To minimise the harm to the community caused by TAB Board Venue¹ gambling
- 1.2 To ~~Have have~~ regard to the social impacts of gambling in the Wairarapa Region
- 1.3 To ensure that Councils and their communities have influence over the provision of new TAB Board Venues in the Wairarapa region.
- 1.4 To have regard to the cumulative effects of additional opportunities for gambling in the district.
~~To adhere to the Act's purpose namely:~~
 - ~~• to provide effective governance arrangements for the racing industry;~~
 - ~~• to facilitate betting on galloping, harness, greyhound races, and other sporting events, and~~
 - to promote the long term viability of New Zealand racing.

2.0 Applications

- 2.1 Applications must be made on the approved form and must provide:
 - 2.1.1 A scale site plan covering both gambling and other activities proposed for the venue including any =screening or separation from other activities proposed.
 - 2.1.2 Name and contact details of the applicant.
 - 2.1.3 Street address of the proposed or existing TAB Board Venue.
 - 2.1.4 A copy of any certificate of compliance or resource consent required for the primary activity of the venue under the Wairarapa Combined District Plan.
- 2.2 No new TAB Board venue will be permitted where the Councils believe that the character of the district, or part of the district for which the venue is proposed will be adversely affected, or where there is likely to be an adverse effect on any kindergartens, early childhood centres, schools, places of worship or other community facilities.

3.0 Application Fee

- 3.1 Fees will be set by the Councils annually and will include consideration of the cost of:
 - i. processing the application
 - ii. establishing and triennially reviewing the TAB Board Venue Policy
 - iii. the triennial assessment of the economic and social impact of gambling in the Wairarapa.

4.0 Review of Policy

- 4.1 The policy will be reviewed every three years.

¹ A board venue refers to a premises that are owned or leased by the TAB Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.