

SOUTH WAIRARAPA DISTRICT COUNCIL

27 JUNE 2012

AGENDA ITEM C1

REVIEW OF WAIRARAPA GAMBLING VENUES POLICY

Purpose of Report

To present the revised Wairarapa Gambling Venues Policy and the TAB Venue Policy.

Recommendations

Officers recommend that the Council:

1. *Adopts the revised Gambling Venues Policy.*
2. *Adopts the Draft Board Venues Policy and releases the document for public consultation in accordance with the special consultative procedure.*

1. Executive Summary

Council is required to review the Gambling Venues Policy every three years.

The policy is required by legislation. The purpose of the policy is to minimise harm from problem gambling at Class 4 gambling venues in the community.

The Policy:

- Must take account of the social impact of gambling in the region and may take account of other relevant matters
- Must specify whether or not Class 4 venues may be established in the territorial 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 a class 4 venue

The Wairarapa-wide policy is intended to provide consistency across the region.

2. Background

The Councils first adopted the Wairarapa Gambling Venues Policy in 2005 and reviewed it in 2008. A further review procedure commenced in 2011.

The Racing Act 2003 requires councils to have a policy on whether TAB's can establish a venue in the region. The previous policy was incorporated in the Gambling Venues Policy with no limits on a stand-alone TAB venue.

The Council appointed Crs Napier and Sexton to review the policy along with representatives from Carterton and Masterton District Councils.

- The previous policy for South Wairarapa and Masterton prescribed that no new gambling venues can open and no additional machines can be installed. Where a venue closes or machines are withdrawn for a period of longer than six months they cannot be replaced in that or any other venue. Carterton had provision for a venue that closed to be replaced.

3. Discussion

3.1 Issues and Options

The Policy caps the number of venues at existing levels and provides for replacement under certain circumstances. The number of machines is also capped. The TAB Venues Policy was developed as a result of submission from the TAB that advised that a separate policy was preferable to including it in the Gambling Venues Policy.

3.2 Consultation

The reviewed Gambling Venues Policy was publicly advertised in local newspapers but attracted no submissions within the closing period. A late submission was accepted from the TAB who had not been aware of the advertisements and had not been advised that the policy had been released.

The TAB Venues Policy will need to be consulted on in accordance with the special consultative procedure.

3.3 Legal

A Class 4 Gambling Venues Policy is required by legislation and must be reviewed three yearly. The Racing Act 2003 requires local authorities to have a policy on where TAB venues are located in the region.

4. Conclusion

The new policy provides a consistent implementation across the Wairarapa that caps the number of venues and allows replacement venues under particular circumstances.

A separate policy for TAB venues has also been prepared for public consultation. The draft policy allows for stand-alone TAB venues to be established in the region and under certain circumstances to be permitted to operate Class 4 gaming machines.

5. Appendices

Appendix 1 –The revised Wairarapa Gambling Venues Policy 2012
Appendix 2 – Draft TAB Venues Policy

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Appendix 1

Recommended DRAFT

REVISED GAMBLING VENUES POLICY 2012

Introduction

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 Gambling Act establishes a limit of nine machines on gaming machines venues)*
- *specifies whether or not TAB stand-alone venues may be established in the district*

In adopting the policy, the Council must have regard to the social impacts of gambling in its district.

The Wairarapa District Councils jointly adopted a gambling venues policy in March 2005 and reviewed it in 2008.

The policy is now being reviewed as required by the Gambling Act 2003.

6. 1.0 Objectives of the policy-

- 1.1 To minimise the harm to the community caused by Class 4 gambling.
- 1.2 To control the growth of Class 4 gambling in the Wairarapa Region.
- 1.3 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 30 June 2011 (19) 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 eight venues, Carterton a maximum of four and South Wairarapa will have a maximum of seven.
- 2.2 Gaming machine venues existing or consented in 30 June 2011 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 Wairarapa Combined District Plan, fee and application requirements, and the conditions set out below.

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 would 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 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. 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 of Liquor Act 1989 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 30 June 2011 (242) 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 30 June 2008, i.e.

Masterton	116
Carterton	50
South Wairarapa	76

In Masterton, Carterton and South Wairarapa District Councils 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 nine 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.

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 of Liquor Act 1989.

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 :

- i. processing the application.
- ii. establishing and triennially reviewing the Gambling Venue Policy.
- iii. 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 2

DRAFT

TAB BOARD VENUE POLICY 2012

Introduction

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*

In adopting the policy, the Council must have regard to the social impacts of gambling in its district.

A TAB stand-alone venue is governed by the provisions of the Racing Act 2003 which specifies such matters as minimum age of person making a bet, hours of operation and staff are trained to identify and 'deal with' people who may be problem gambling.

TAB racing and sports gambling is considered to be less addictive than gaming machines

8. 1.0 Objectives of the policy-

1.1 To minimise the harm to the community caused by TAB Board Venue gambling.

1.2 To ensure that Councils and their communities have influence over the provision of new TAB Board Venues in the Wairarapa Region.

1.3 To adhere to the Racing Act's purpose namely:

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

2.0 The location of a stand alone TAB will be subject to the following conditions-

2.1 A stand-alone TAB venue may be established subject to compliance with the Wairarapa Combined District Plan, fee and application requirements, and the conditions set out below.

- 2.2 A stand alone TAB venue will normally be permitted in the commercial and industrial areas identified in the District Plan
- 2.2 A stand-alone TAB venue with gaming machines would be considered as an alternate venue if a Class 4 Venue closed subject to the conditions in the Gambling Venues Policy for Class 4 venues and conditions in this policy.
- 2.3 A new Class 4 gambling venue within a TAB 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.
- 2.4 To aid the Council in determining whether there is likely to be an adverse effect, all applications are required to be publicly notified. 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.

3.0 Applications-

- 4.1 Applications must be made on the approved form and must provide:
- 4.1.1 A scale site plan covering both gambling and other activities proposed for the venue including any screening or separation from other activities proposed.
- 4.1.2 Name and contact details of the applicant.
- 4.1.3 Street address of the proposed or existing TAB Board Venue.
- 4.1.4 A copy of any certificate of compliance or resource consent required for the primary activity of the venue under the Wairarapa Combined District Plan.

9. 5.0 Application Fees-

- 5.1 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.

6.0 Review of Policy-

- 6.1 The policy will be reviewed every three years.