

# SOUTH WAIRARAPA DISTRICT COUNCIL

31 OCTOBER 2012

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## AGENDA ITEM C2

### REPORT ON TAB BOARD VENUE POLICY

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#### **Purpose of Report**

To seek adoption of the TAB Board Venue Policy 2012

#### **Recommendations**

Officers recommend that the Council:

1. *Receives the Information.*
2. *Adopts the TAB Board Venue Policy 2012.*

## **1. Executive Summary**

The Wairarapa Councils have deliberated on submissions to the Draft Policy and have agreed and finalised the TAB Board Venue Policy 2012 for adoption by Council.

## **2. Background**

The Draft Board Venue Policy was adopted for public consultation by the three Wairarapa Councils. This was in response to a submission from the NZ Racing Board on the Wairarapa Gambling Venues Policy and resulted in a separate policy being prepared for stand-alone TAB venues.

## **3. Discussion**

### **3.1 Options**

Submissions on the draft TAB Board Venue Policy were received from the NZ Racing Board and the Wairarapa DHB.

There are currently no stand-alone TB venues in the Wairarapa and representative from NZ Racing Board advised that none is planned in the foreseeable future.

Changes from the Draft Policy include changes to the objectives to remove the aims for the Racing Club and replace them with the aims of the policy. The submitters jointly agreed on a clause that could allow gaming machines in a stand-alone TAB and this was accepted by the Hearings Committee.

The arguments put forward by the Racing Board in support of having gaming machines in stand-alone TAB included that the venue was staffed by people trained in identifying and dealing with problem gamblers and that because the venue is alcohol-free it is less risky for gamblers whose inhibitions might otherwise be reduced by the effects of alcohol. The hours of TAB's are shorter than those for premises selling alcohol.

The DHB asked for inclusion of a clause for Councils having regard to the social impacts of gambling in their districts and the cumulative effects of gambling. They submitted for a reduction in the number in the number of gambling machines and a sinking lid on the number of venue in order to reduce the amount of money spent on gambling in the region. In addition they were concerned that TAB Board Venues should not be a privileged exception to the Gambling Venues Policy in terms of ownership continuation.

### **3.2 Consultation**

The draft policy was open for public consultation and two submissions were received from the Racing Board and the Wairarapa DHB.

Publicity/Communications- the draft policy was advertised in the local newspapers. If a stand-alone TAB was proposed the policy requires that any application would be publicly notified to ascertain public views of where there would be an adverse effect.

### **3.3 Legal Implications**

The Racing Act 2003 section 65 requires the Territorial Authority to adopt Board Venue Policy.

(1) A territorial authority must, within 6 months after the commencement of this section, adopt a policy on Board venues.

(2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.

(3) The policy must specify whether or not new Board venues may be established in the territorial authority district and, if so, where they may be located.

(4) In determining its policy on whether Board venues may be established in the territorial district and where any Board venues may be located, 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 cumulative effects of additional opportunities for gambling in the district.

### **3.4 Financial Considerations**

Nil

## **4. Supporting Information**

### **4.1 Long Term Plan - Community Outcomes**

This policy addresses Council Healthy & Economically Secure People in that it is aimed to minimise the harm caused by problem gambling.

### **4.2 Existing Policy**

This policy complements the Wairarapa Gambling Venues Policy and is intended to be a Wairarapa Wide policy.

## **5. Appendices**

Appendix 1 – The TAB Board Venues Policy 2012

Appendix 2 – Minutes of the Hearings submissions on the TAB Board Venue Policy 2012

Appendix 3 – Minutes of Deliberations on submissions on the TAB Board Venue Policy 2012

Contact Officer: Bronwyn Johnson, Environmental Health Team Leader

Reviewed By: Glenn Bunny, Group Manager Planning and Environment

# **Appendix 1 –TAB Board Venue Policy 2012**



## 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.*

*As required by the Racing Act in adopting the policy, the Councils must have regard to the social impacts of gambling in their districts and may have regard to the cumulative effect of additional opportunities for gambling in their districts.*

*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.*

*This policy also sets out conditions for a TAB venue to host Class 4 gaming machines.*

### **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 in accordance with the provision and purpose of the Racing Act 2003 (including the cumulative effects of additional opportunities for gambling in the district).

### **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
- 2.3 A new stand-alone TAB venue 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.
- 2.5 Any application for a TAB Board Venue would be reviewed for the social impact and cumulative effects of additional opportunities for gambling in the district.

### **3.0 Conditions under which a TAB could host Class 4 gaming machines**

- 3.1 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 both the Gambling Venues Policy for Class 4 venues and in this policy(except for the requirement to hold a liquor licence).
- 3.2 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.

### **4.0 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.

### **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.

**Appendix 2 –Minutes of  
Deliberations on  
Submissions on the TAB  
Board Venue Policy 2012**

**REPORT OF THE JOINT HEARING OF THE TAB BOARD VENUE POLICY  
REVIEW HELD IN THE CARTERTON EVENTS CENTRE, 10 HOLLOWAY  
STREET, CARTERTON ON FRIDAY 21<sup>ST</sup> SEPTEMBER 2012 AT 11.00  
AM**

**PRESENT**

Councillors Ruth Carter (Carterton District Council) (Chair), Lyn Patterson (Masterton District Council) and Mike Gray (South Wairarapa District Council).

**APOLOGIES**

Councillors Keith Sexton, Chris Peterson, William Knowles and Vivienne Napier. Noted that Councillor Napier did not attend because of a conflict of interest as an elected member of the Wairarapa DHB.

**IN ATTENDANCE**

Jan Gerritsen (Manager Community Services, MDC), Bronwyn Johnston (Environmental Health Team Leader, SWDC), Vanessa Van Meulen (Environmental Health Officer, CDC), Anne Major (Notetaker, MDC).  
Submitters Jarrod True, NZ Racing Board, and Clare McLennan-Kissel and Cambell Gilliam, Wairarapa Population Health Unit.

**NZ RACING BOARD – Jarrod True**

- A sensible policy, supported by the NZ Racing Board.
- The Racing Board did not want the policy changed in any way to encourage extra gaming machines.
- Suggested that the two clauses listed as 2.2 should be considered separately, and noted that TAB venues were always alcohol free. Suggested new wording for Clause 2.2:  
     “A stand-alone TAB venue with gaming machines would be considered as a suitable venue to host gaming machines provided the venue meets all the requirements of the Gambling Policy (except for the requirement to hold a liquor licence).”
- Currently there are no TAB venues in the Wairarapa, and no plans to establish any.
- All staff are trained to recognise problem gambling.
- It is good governance to have separate TAB Venues and Gambling Policies.

**Discussion**

- Q. Number of TAB Venues?  
 A. 104 throughout New Zealand, 8 in the Greater Wellington Region.
- Q. Number of gaming machines in TAB venues in New Zealand?  
 A. Thirty.
- Q. What happens to the profits from gaming machines in TAB venues?



- A. Up until the last 18 months profits went to the trusts that owned the machines, now the NZ Racing Board receives the profits from gambling machines and the TAB operation and distributes them to the racing industry and amateur sports.
- Q. Who did the survey on gambling problems?
- A. Ministry of Health. 67% of problem gamblers from gaming machines is the lowest result yet, showing that gambling is trending downwards. The TAB preferred their terminals to be away from venues selling alcohol. It was suggested that the sinking lid policy would encourage non- alcohol venues.
- Q. TAB Class 4 Gambling Licence profits?
- A. 80-90% for racing purposes, 10-20% for amateur sporting and other community purposes.

### **Conclusion**

Strongly supported having two separate policies for Gambling and TAB Venues, and amended wording for Clause 2.2.

### **WAIRARAPA DHB – WAIRARAPA POPULATION HEALTH UNIT – Clare McLennan-Kissel and Campbell Gillam**

- Their main concern was with vulnerable communities – aged, Maori and lower socio-economic. 5% of these communities are affected by gambling.
- Need to reference the social impact of gambling in the policy.
- Seeking to have no gaming machines in stand-alone TAB venues.
- Supporting deletion of Clause 1.3.
- Supporting inclusion of the 'sinking lid' policy to cover TAB venues as well as gaming machine venues.
- Would like to see the cumulative effect of gambling and social impacts included in the TAB Policy, rather than promotion of the racing industry.
- Asking for the second paragraph of the Introduction to read:  
*"In adopting the policy, the Councils must have regard to the social impacts of gambling in their districts and the cumulative effects of gambling."*

### **Discussion**

- Q. The current Gambling Venues policy is a sinking lid policy and includes the TABs?
- A. The owner of gaming machines can consider the TAB venues and the amendment to 1.2 and removal of 1.3 covers this.

The meeting adjourned at 11.30am and reconvened at 11.35am.

Both submitters agreed to the new wording for Clause 1.2 as follows and deletion of 1.3.

To ensure that Councils and their communities have influence over the provision of new TAB Board Venues in the Wairarapa Region in accordance with the provision and purpose of the Racing Act 2003 (including the cumulative effects of additional opportunities for gambling in the district).

The submitters thanked the Joint Hearings Committee for conducting appropriate process and departed at 11.40am.

**The public was excluded at 11.40am**

**Appendix 3 –Minutes of the  
Hearings Submissions on the  
TAB Board Venue Policy  
2012**

**REPORT OF THE DELIBERATIONS TAKEN WITH THE PUBLIC  
EXCLUDED OF THE JOINT HEARINGS COMMITTEE ON THE TAB  
BOARD VENUE POLICY REVIEW HELD IN THE CARTERTON EVENTS  
CENTRE, 10 HOLLOWAY STREET, CARTERTON ON FRIDAY 21<sup>ST</sup>  
SEPTEMBER 2012**

**PRESENT**

Councillors Ruth Carter (Carterton District Council) (Chair), Lyn Patterson (Masterton District Council) and Mike Gray (South Wairarapa District Council).

**APOLOGIES**

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**IN ATTENDANCE**

Jan Gerritsen (Manager Community Services, MDC), Bronwyn Johnston (Environmental Health Team Leader, SWDC), Vanessa Van Meulen (Environmental Health Officer, CDC), Anne Major (Notetaker, MDC).

**DELIBERATIONS**

**Amended wording:**

**1.0 Objectives of the Policy**

1.2 To ensure that Councils and their communities have influence over the provision of new TAB Board Venues in the Wairarapa Region in accordance with the provision and purpose of the Racing Act 2003 (including the cumulative effects of additional opportunities for gambling in the district).

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

2.5 Any application for a TAB Board Venue would be reviewed for the social impact and cumulative effects of additional opportunities for gambling in the district.

**3.0 Conditions under which a TAB could host a Class 4 Gaming Machine**

3.1 (Previous second 2.2) A stand-alone TAB venue with gaming machines would be considered as a suitable venue to host gaming machines provided the venue meets all the requirements of the Gambling Policy (except for the requirement to hold a liquor licence).

Members clarified that the new policy would revoke any possibility that the owners of machines if their venue was destroyed could place them in TAB venues. 3.1 ensured that only the owner of the venue could re-establish gaming machines. The TAB couldn't have gaming machines unless it purchased a hotel already containing gaming machines.

Alister Skene (Pelorus Trust) had made the comment that if the TAB owned gaming machines it was not required to invest 30% of the profit in the community and was this fair to the Clubs and Trusts. Members agreed that there were two separate systems as clubs or trusts were required by law to give to the community.

### **Conclusions**

The meeting agreed that the Policy numbering should be reworked and that the amendments to the policy be accepted by the Joint Hearings Committee and forwarded to the councils for approval.

Moved by Councillor L Patterson – **That the Draft TAB Board Venue Policy as amended be presented to the three councils for approval during their next meeting rounds.**

Seconded by Councillor M Gray and CARRIED.

**The meeting concluded at 12.10pm**