

Draft Gambling Venues Policy 2019



Statement of Proposal

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1. Introduction

Tasman District Council is replacing its Gambling Venues Policy 2010 and is seeking your views on a proposed draft Gambling Venues Policy 2019 (draft policy). The proposed draft Policy contains exactly the same controls for New Zealand Racing Board venues as the expiring Policy. However, it adopts a more restrictive “sinking lid” policy in relation to Class 4 Venues, which typically exist as taverns or other licensed premises which contain gaming machines, commonly known as poker machines or “pokies”. When adopted the draft policy will repeal the existing 2010 policy. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 and includes:

- The reasons for the proposal, and
- The proposed draft Gambling Venues Policy
- Information on how to make a submission and the associated forms.

2. Reason for the Proposal and Determinations

The Gambling Act 2003 and the Racing Act 2003 require Council to maintain a Gambling Venues Policy. Council has maintained a current Gambling Venues Policy since 2004. The current Gambling Venues Policy was established by Council in 2010.

A review was initiated in 2018, to ensure that the review or amendment of the Policy was completed within the necessary timeframe. At the Environment and Planning meeting of Council on 4 October 2018 it was moved by Councillors Wensley and Canton:

That the Environment and Planning Committee

1. *receives the Gambling Venues Policy Review - Supplementary Report REP18-10-08;*

and

2. *resolves to amend the Tasman District Council's Gambling Venues Policy 2010, to include:*

- 2.1 *A sinking lid policy for gaming machines in the district;*

and

- 2.2 *Confirmation that relocation of gaming machines will not be permitted within the district;*

and

- 2.3 *An unrestricted policy in relation to the number of New Zealand Racing Board venues within the district;*

and

3. *instructs staff to prepare a Draft Gambling Venues Policy to commence consultation;*

and

- 3.1 *an associated Statement of Proposal;*

and

- 3.2 *a Summary of Information based on resolution 2 above, for further consideration of the Environment and Planning Committee.*

Factors that had been assessed are those detailed in the staff report to the Environment and Planning Committee (The Committee) at meetings of 6 September 2018 and 4 October 2018. The following were included:

- A brief history of the controls imposed by the Gambling Venue Policies;
- The impact of the amendment of the Gambling Act 2003 relating to a relocation policy.
- Details of the deprivation indices for the district and details of the number of gambling machines in each relevant community.
- Information provided by the Department of Internal Affairs (DIA) on the downward trend in the inflation adjusted gambling expenditure associated with gaming machines.
- Risk factors associated with gambling identified by DIA and Ministry of Health publications.
- The positive benefits provided by gambling, including the entertainment value and the positive results of net proceeds distributed for community good.
- The changing trend for sports betting through NZ Racing Board Venues to occur digitally.

The Committee considered the options of making no change to the existing capped Class 4 Gambling Venues Policy, or making changes that may be less or more restrictive. The possibility of developing a relocation policy was also considered. The matters the Gambling Act 2003 and the Racing Act 2003 requires the Committee to consider before making a decision on adopting a policy were defined.

3. Background

The Gambling Act 2003 and the Racing Act 2003 both require Councils to develop gambling venue policies. Those policies were required to be reviewed every 3 years, at which stage the Council had the option of rolling over the existing policy, or introducing a new or changed policy. If a new or changed policy is introduced, both the Gambling and Racing Acts require the Council to undertake the special consultative procedure defined in the Local Government Act 2002.

Tasman District Council introduced its first iteration of a Gambling Venues Policy in May 2004. That original policy was permissive, and imposed no restriction on the number of gaming machines that may be licensed by DIA in the district beyond those controls already existing in the respective Acts. No significant change occurred to that permissive policy until September 2010, at which stage a capped policy was introduced. That capped policy identified the number of gambling machines in the district at 220, and required Council to withhold consent for any more licences that would allow that capped number to be exceeded in the District. No restrictions were placed on Racing Board venues.

That same capped policy was reviewed and rolled over unchanged in 2013 and 2016. In 2018 the Committee asked staff (as detailed in 2 above) to proceed with drafting a policy that has a sinking lid.

Manner in which the proposed Policy will be administered and enforced.

A gaming machine must be licensed by DIA to operate. Premises with existing licences for gaming machines have some flexibility in giving effect to those licenses. That is, DIA records may allow a greater number of gaming machines to operate in some premises than currently exist.

When an increase in the number of gaming machines licensed by DIA in any premises is sought by a corporate society (the entity that runs gaming machines) an application must be made to the relevant Council for consent. In considering such an application, the Council is obliged to consider the application for the consent in accordance with its gambling venues policy. A sinking lid gambling venues policy has the effect of preventing the Council from consenting to more gambling machines in the district. Such an application would therefore be declined.

4. Who We Will Consult With

The Gambling and Racing Acts both place a number of obligations relating to consultation on Councils, including:

- A policy on class 4 venues and NZ Racing Board venues must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.
- the territorial authority must give notice of the proposed policy, in a manner that the territorial authority considers appropriate, to—
 - (a) each [corporate] society that holds a class 4 venue licence for a venue in the territorial authority district; and
 - (b) the Racing Board; and
 - (c) organisations representing Maori in the territorial authority district.

To that end, Council will notify:

- the public by producing a public notice in a newspaper distributed in Tasman District;
- Iwi groups identified in the District;
- Each society operating gaming machines in the district;
- The New Zealand Racing Board;
- The Public Health Service of Nelson Marlborough Health;
- Problem gambling services operating in the district.

5. Proposed Draft Gambling Venues Policy.

Below is a full copy of the Council's proposed Draft Gambling Venues Policy

Proposed Changes from existing Policy

The significant change is that the Draft Policy adopts a sinking lid on the number of gaming machines and class 4 venues in the district, compared with the existing policy which has a capped number of gaming machines in class 4 venues in the district. Additionally, the proposed Draft Policy continues the existing prohibition on the relocation of gaming machines within the district. The proposed Draft Policy continues to allow the New Zealand Racing Board to apply for venues on which racing and sports betting may be undertaken.

Considerations

The Council considers that the proposed draft Gambling Venues Policy (draft Policy) will produce the best outcome for the community by balancing the positive outcome associated with the value of the grants that are made by the gaming societies to benefit the community, against the negative social effects experienced by those members of the community that are impacted by the behaviour of at-risk gamblers.

Council also considers that the proposed draft policy is appropriate and proportionate in the light of the likely effect if the draft Policy was to be less restrictive. Additionally, the Council considers that the proposed draft Policy is not inconsistent with the New Zealand Bill of Rights Act 1990.

6. How to view the Draft Policy and Provide Feedback

As well as the copy of the Draft Policy attached to this report, it can be viewed at the Council offices listed below.

Submission forms are available at the end of this document and online at:

www.tasman.govt.nz/feedback

The submission form is a guide so that you can tell us:

- what aspect of the draft policy you would like to comment on;
- what decision you would like made;
- the reasons for your submission; and,
- whether you wish to be heard by Council.

You can make a submission by:

- entering it online at: www.tasman.govt.nz/feedback
- or by sending your written submission to:

Executive Assistant - Environment & Planning
Draft Gambling Venues Policy
Tasman District Council
Private Bag 4
Richmond 7050

- or drop your written submission into the Council Offices at:
 - 189 Queen Street, Richmond
 - 7 Hickmott Place, Motueka,
 - 78 Commercial Street, Takaka
 - 92 Fairfax Street, Murchison
 - or your local library
- or you could email your submission to:

info@tasman.govt.nz

- or you could fax your submission to 035439524.

Submissions close at 4.30pm on **Friday 13 September 2019**

Submission Form for Draft Gambling Venues Policy

(Publicly notified 9 August 2019, and submission period closing at 4.30pm on 13 September 2019)

Your name: _____

Your postal address: _____

Your day time phone number: _____

Your e-mail address: _____

Would you like to speak to your submission at a Hearing Panel meeting held for this purpose? (Dates and Locations will depend on the number and origin of submissions) YES/NO

Are you writing this submission as an individual or on behalf of an organisation? YES/NO

If an organisation, please name the organisation: _____

Your comments (please continue on a separate sheet if you require more space):

Please Note: _____

All written submissions will be made available to Councillors and the public.

Please write clearly, as all submissions are photocopied.

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

Tasman District Council Draft Gambling Venues Policy

Summary of Information

In accordance with Section 83 and 89 of the Local Government Act 2002, this summary of information is provided for a proposed Draft Gambling Venues Policy (draft policy).

Summary of Information

The proposed Draft Policy is intended to provide a level of control that will minimise harmful gambling associated with class 4 gaming machines (sometimes called pokies) in the district. The draft Policy is administered by Council.

The proposed draft Policy changes the control provided in the Gambling Venues Policy 2010 (existing Policy) in relation to gaming machines. The existing Policy controls gaming machine numbers with a capped policy. The draft Policy intends to control gaming machine numbers with a sinking lid policy. In practice, the draft Policy prohibits the gaming societies that own and operate the gaming machines, from increasing the number of gaming machines they are licensed to operate. The policy also continues the prohibition on transferring of any class 4 venue licence within the District.

The proposed draft Policy does not alter the existing process for the New Zealand Racing Board to obtain the Council's consent for permitting Racing Board Venues on which racing and sports betting is undertaken.

When the Draft Policy is adopted it will repeal the existing Policy.

A statement of proposal which contains details about how submissions can be made to Council on the proposed draft Policy is available for viewing on the Council website at: www.tasman.govt.nz/feedback_or during normal Council hours at the following Council offices and libraries:

Main Office, 189 Queen Street, Richmond
Motueka Service Centre, 7 Hickmott Place, Motueka
Golden Bay Service Centre, 78 Commercial Street, Takaka
Murchison Service Centre, 92 Fairfax Street, Takaka
Tasman District Library, Queen Street, Richmond
Motueka Library, Pah Street, Motueka
Takaka Library, Commercial Street, Takaka

Submissions will be received by Tasman District Council on the Draft Gambling Venues Policy from 9 August 2019 until the submission period closes at 4.30pm on Friday 13 September 2019.



Tasman District
Council Draft

Gambling Venues Policy

2019

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1. PURPOSE

- 1.1** The Council is required by the Gambling Act 2003 and the Racing Act 2003 to produce a policy that has regard to the social impact of gambling within the District. Since 2004 when Council produced its first policy on gambling, Tasman District Council has had a combined policy that covers both Class 4 venues (pursuant to section 101 of the Gambling Act 2003) and New Zealand Racing Board premises (pursuant to section 65D of the Racing Act 2003).

In establishing this policy, the Special Consultative Procedure under Section 83 of the Local Government Act 2002 and requirements of section 102 of the Gambling Act 2003 and section 65E of the Racing Act 2003 have been followed, with submissions being heard by the Environment and Planning Committee of Council on 6 November 2019.

At the Environment and Planning Committee meeting of 28 November 2019 the following motion was passed:

That pursuant to the delegated authority provided by Tasman District Council to adopt policy, the Environment and Planning Committee adopts the Draft Gambling Venues Policy 2019 contained as "Attachment 1" of this report and on which the formal consultation process was concluded at the hearing on 6 November 2019.

That the Draft Gambling Venues Policy 2019 adopted above, shall come into effect immediately, and at that same time, the Tasman District Council Gambling Venues Policy September 2010 as reviewed in 2013 and 2016 shall be revoked.

Moved/seconded

CARRIED

2. OBJECTIVES OF THIS POLICY

- 2.1** To minimise the harm to the community caused by gambling.
- 2.2** To allow those who wish to participate in gambling through class 4 gaming machines (pokies) or New Zealand Racing Board racing or sports betting to do so within existing venues.
- 2.3** To ensure that Council and the community have control over the provision of new gambling in Tasman District.
- 2.4** To control the number of class 4 gaming machines permitted in Tasman District.
- 2.5** Achieving the objective in 2.4 by imposing a sinking lid on the number of class 4 gaming machines that are licensed in Tasman District.
- 2.6** To refuse to grant consent to new class 4 venues or additional class 4 gaming machines to operate in existing venues in Tasman District.

2.7 To allow new gambling venues associated with New Zealand Racing Board stand-alone operations if such new venues are supported by Council on a case by case assessment.

3. RULES FOR “CLASS 4 VENUES” (PURSUANT TO THE GAMBLING ACT 2003)

3.1 Council will not grant consent for the establishment of any additional class 4 venues.

3.2 Council will not grant consent for the establishment of any additional class 4 gaming machines in existing class 4 venues.

3.3 Council will not grant consent to allow the merger of two or more clubs which hold class 4 venue licences.

3.4 Council will not grant consent for the relocation of any class 4 venue licence.

4. APPLICATION FOR CONSENT FOR NEW ZEALAND RACING BOARD VENUES (PURSUANT TO THE RACING ACT 2003)

4.1 Territorial authority consent, pursuant to section 65A of the Racing Act 2003, is required by the Racing Board if it wishes to operate a new Racing Board venue on which racing and sports betting operated by the New Zealand Racing Board is to be undertaken.

4.2 The territorial authority consent required by 4.1 of this policy shall be subject to the following criteria:

- (a) meeting application and fee requirements;
- (b) the proposed Racing Board venue shall have relevant staff training programme and gambling harm minimisation policy;
- (c) applications for territorial authority consent for a Racing Board venue for racing and sports betting operated by the New Zealand Racing Board shall be advertised, with public submissions being accepted for a period of 10 working days from the date of publication, after which Council shall approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view;
- (d) the primary activity of the Racing Board venue shall be for racing and sports betting operated by the New Zealand Racing Board, and be owned or leased by the New Zealand Racing Board and used primarily for racing or sports betting; or be a racecourse;
- (e) operators of the proposed Racing Board venue must show that people under the age of 18 years have minimal access to the facility.

5. APPLICATIONS FOR NEW ZEALAND RACING BOARD VENUES

5.1 Must be made on the form defined in Appendix 3 of this policy and must provide:

- (a) evidence of a police clearance for owners and managers of the venue;
- (b) a copy of the proposed gambling harm minimisation policy and staff training programme;
- (c) a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- (d) name and contact details for the applicant;
- (e) street address of premises proposed;

5.2 Once an application for territorial authority consent for a Racing Board venue for racing and sports betting operated by the New Zealand Racing Board has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council.

6. APPLICATION FEES

6.1 Any application for a territorial authority consent under Section 65B of the Racing Act 2003 shall be accompanied by the appropriate deposit and all fees due for the processing of the application must be paid before the territorial authority consent will issue.

7. EXPLANATION OF TERMS

Class 4 gambling: is the term used to describe non-casino gaming machines (pokies). Under the Gambling Act (2003) Class 4 gambling satisfies the following criteria:

- a. The net proceeds from the gambling are applied to, or distributed for, authorised purposes; and
- b. No commission is paid to, or received by, a person for conducting the gambling; and
- c. The gambling, and the conduct of gambling, satisfies relevant game rules; and
- d. Either –
 - i. The secretary has categorised the gambling as Class 4 gambling and not as another class of gambling; or
 - ii. The gambling utilises or involves a gaming machine.

Class 4 venue: means a place used to operate Class 4 gambling as defined by the Gambling Act 2003.

Club: means a voluntary association of persons combined for a purpose other than personal gain.

Council: means the Tasman District Council.

Gaming societies: are the organisations that own and operate gaming machines and make grants to non-profit community organisations. They are not the venue operators.

Racing Board venue: means premises that are owned or leased by the New Zealand Racing Board (TAB) and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

Sinking Lid: refers to the term used in Council's gambling venues policy that indicates a restriction on the establishment of new Class 4 venues, prohibiting as far as possible, gaming societies from increasing the number of machines in Tasman District and preventing venue operators from relocating (unless they wish to surrender their gaming machine licence).

Territorial Authority: is the term used in the Local Government Act 2002 to describe city and district councils.

APPENDIX 1:

Application for Territorial Authority Consent for a Board VenueFORM NUMBER: RG4 24 June 2019

*[Pursuant to section 65B of the Racing Act 2003: Applies to new racing and sports betting venues.]***Section 1: Details of Applicant**Full Name of applicant:

Postal Address:

Post Code:

Contact Person:

Phone:

E-mail:

Section 2: Details of VenueName of Venue:

Street Address:

Section 3: Information to be Provided with Application *(Please tick box)*

- Site plan covering activities proposed for the venue
- Evidence of a police clearance for the owners and managers of the venue
- A copy of the proposed gambling harm minimisation policy and staff training programme
- Evidence that the venue is leased or owned by the New Zealand Racing Board or a racecourse.

New Board Venues

Once an application for territorial authority consent for a new venue has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council. If submissions are received, the Tasman District Council shall consider these and either approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view.

Application Fees

An application fee deposit of \$500.00 shall accompany any application. At the conclusion of the process when the application has been granted or declined, the applicant shall pay to Council such further fees necessary to cover the costs and disbursements of Council in processing the application. No such consent shall be issued by Council until all such fees have been paid.

The information that has been given is hereby certified to be true and correct.

Signature:

Date:
