

STATEMENT OF PROPOSAL TO AMEND THE WAIKATO DISTRICT COUNCIL GAMBLING VENUES POLICY

This Statement of Proposal is prepared pursuant to sections 83, 86, 155 and 156 of the Act 2002 (LGA). This is a proposal to adopt amendments to the Gambling Venues Policy.

Background

The Gambling Act 2003 and Racing Act 2003 both require local authorities to review and adopt a Class 4 gambling venues (Gambling Act) and a TAB Board venues policy (Racing Act) that specifies if and where Class 4 gambling venues or standalone TAB venues may be established in the district. By regulating if and where Class 4 venues can be established in the district, the Gambling Venues Policy is intended to minimise potential harm caused by this type of gambling in line with the strict licensing criteria outlined in the Gambling Act 2003.

Class 4 gambling is gambling that involves a gaming machine otherwise known as 'pokies'. 'Pokies' are run by societies or clubs and a proportion of the net proceeds collected from these machines are required to be distributed into communities or to a clubs approved purposes. Councils have jurisdiction over numbers and locations of standalone TAB venues, not TAB outlets or agencies. TAB venues are legislated for under the Racing Act 2003.

Due to the similarities of these Acts, Waikato District Council (the Council) has combined the legislative requirements into one policy which is known as the Gambling Venues Policy and incorporates both the Class 4 Gambling Venues Policy required by the Gambling Act and the Board Venue Policy required by the Racing Act. This policy is reviewed every three years. Both Acts require council to use the Special Consultative Procedure (section 83 of the Local Government Act 2002) to amend or replace the policy.

As gambling is a legal activity in New Zealand it cannot be banned and Council cannot have a policy that conflicts with the law, Council can only determine if the location of a Class 4 venue is appropriate to the characteristics of the community. This means that Councils role is to determine if new venues may be established, where they may be located, if existing venues may be merged or relocated, the conditions that may be applied to these activities, how many machines a venue may have once established or relocated, and what the primary role of the venue must be.

However, Council is supportive of a policy that continues the current 'sinking lid' regime. Having a 'sinking lid' means that Council supports the gradual reduction of Class 4 venues and machines in the district over time. Council also considers that the existing policy (not allowing further Class 4 venues to be established in the district and capping the number of machines operated at any one venue at any time at 9 machines) provides for an appropriate balance between permitting responsible gambling and minimising potential harm to the community as a result of gambling.

There are at this time (June 2018) 19 Class 4 venues operating within the Waikato district, operating 243 Class 4 machines. Currently no standalone TABs are operating within the district though the policy does allow for their establishment.

Reasons for the proposal

The proposed Waikato District Council Gambling Venues Policy enables Council to:

- effectively control the growth of gambling in the Waikato District
- minimise potential harm caused by gambling, including problem gambling in the district
- reflect the views of local communities in respect of the provision of gambling in the district
- allow people who wish to participate in Class 4 gambling in the district to do so
- to align the policy with those of other local authorities.

The Proposal

The current policy allows for relocations of Class 4 venues if the reasons for the relocation are for the purposes of improving the primary activity of the venue, that the relocation site be of the same or better social deprivation index than the existing site, and that the number of machines does not increase with relocation. Council is proposing to strengthen the controls already set out in the policy by adding provisions to the policy that would restrict where Class 4 venues can be located in relation to other Class 4 venues and various community facilities (such as kindergartens, schools, places of worship).

Summary of proposed amendments

The proposed amendments to the policy would put in place more restrictive conditions for relocation and merger of Class 4 venues. The proposed amendments would also prohibit the establishment of standalone TAB venues in the Waikato District.

Council is proposing to amend the current policy, retaining the sinking lid regime and adding further restrictions on relocation and merger conditions.

- restrict the number of machines that may operate at a Class 4 venue to 9 or the current entitlement if less.
- applications to operate more than 9 machines will not be permitted.
- when relocating, restrict the number of machines that may operate at a Class 4 venue to the number that was licenced for at the original venue.
- relocating Class 4 venues may not be within 100m of another Class 4 venue.
- permit relocation only if the current venue is physically incapable of being used, the building is deemed dangerous, insanitary, or becomes unusable through - for example - fire.
- Council will also have careful regard to a range of criteria when considering applications for relocation or merger:
 - characteristics of the district.
 - locations of kindergartens, early childhood centres, schools, places of worship, community facilities.
 - The number of machines being permitted after merger being 5/6th of the sum specified in all of the merged club Class 4 venue licenses at the time of application (to a maximum of 18).
 - The primary activity of the venue.

All other provisions of the policy would continue to apply.

Legislation

The Gambling Act 2003

Under the Gambling Act, the Class 4 Venues Policy:

- Must specify whether or not Class 4 venues may be established in the territorial authority district and, if so, where they may be located; and
- May specify where restriction on the maximum number of gaming machines that may be operated at a Class 4 venue; and
- May include a relocation policy.

The Gambling Act requires Council to have regard to the social impact of gambling in the district when adopting a Class 4 Gambling Venues Policy. Council may also have regard to any relevant matters including:

- The characteristics of the district
- The location of kindergartens, early childhood centres, schools, places of worship and other community facilities
- The number of gaming machines that should be permitted to operate at any venue or class of venue
- The cumulative effects of additional opportunities for gambling in the district
- How close venues should be permitted to be to one another

- What the primary activity at any venue should be.

The Racing Act 2003

Under the Racing Act, the Board Venue Policy:

- Must specify whether or not Board venues may be established in the territorial authority district

When adopting a Board Venue Policy Council may have regard to any relevant matters, including:

- The characteristics of the district
- The location of kindergartens, early childhood centres, schools, places of worship and other community facilities
- The cumulative effects of additional opportunities for gambling in the district

Relevant Determinations by Council

Prior to making a policy, Council is required to assess whether a policy is the most appropriate way of addressing the perceived problem. In this case, a policy is considered to be the most appropriate mechanism for the provision of Class 4 gambling venues in the Waikato District. A policy allows staff to effectively deal with the problem policy would lessen Council's ability to control and set standards around the management of the district's Class 4 gambling venues and board venues.

Council is also required to consider whether the proposed policy gives rise to any implications under the New Zealand Bill of Rights Act 1990. In this case it is not considered that there are any such implications, the policy simply provides the regulatory means by which council is able to effectively regulate Class 4 gambling venues and board venues and control the growth of gambling in the district.

Consultation and submissions

Anyone can make a submission about the proposed amendments to the Waikato District Council Gambling Venues Policy and we encourage you to let us know your views.

What is a submission?

Submissions are a record of your views/preferences on a particular issue. By making a submission you can ensure that your voice is heard by councillors to assist them in their decision making. Submissions may be sent or given to the Council from any organisation or any member of the public during a time period specified by Council. In most cases submission forms are available at Council offices and libraries and on the 'Say It' page of Council's website.

When can I make a submission?

The submission period for the proposed amendments to the Waikato District Council Gambling Venues Policy opens on 11 July 2018 and closes at 5pm on 13 August 2018.

How can I make a submission?

Any person may make a submission on the content of this proposed policy amendment. Written submissions should follow the format shown in the submission form following this page. This form is intended as a guide only, but is suitable for brief submissions. Please attach additional pages as necessary.

In addition, if you wish to present your comments in person, Council will hear verbal submissions on 27 August 2018 (or as early thereafter as possible). Submitters wishing to be heard in support of their submission must clearly state this in their submission. All submitters wishing to be heard will be contacted to arrange an appropriate time on the date specified.

Please note that written submissions are to be received by Waikato District Council by 5pm on 13 August 2018.

Important Dates to Remember:
Submissions open – 9am 11 July 2018
Submissions close – 5pm 13 August 2018
Hearing of submissions – 27 August 2018

Submissions can be:

Online: www.waikatodistrict.govt.nz/sayit

Posted to: Waikato District Council
Private Bag 544
Ngaruawahia 3742

Delivered to: Waikato District Council
Attn: Corporate Planner
15 Galileo Street
Ngaruawahia 3742

Huntly Office
142 Main Street, Huntly 3700

Raglan Office
7 Bow Street, Raglan 3225

Tuakau Office
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office
1 Main Road, Te Kauwhata 3710

Emailed to: consult@waidc.govt.nz
Subject heading should read: “Gambling Venues Policy – Submission”

What happens next?

Council will acknowledge each submission received in writing, either by letter or email.

Following the closing of submissions on 13 August 2018, all submissions will be reviewed by Elected Members. Verbal submissions will be heard and all submissions formally considered at a Council meeting on during the week beginning 27 August 2018 (or as soon thereafter as possible). This meeting is open to both submitters and the public to attend.

Privacy Act Information - *The Local Government Act 2002 requires submissions to be made available to the public.*

Your contact details are collected:

- So the Council can write and inform you of the decision(s) on your submission(s).
- To arrange a hearing date and time for you to speak (if you choose to).

Your name and address will be publicly available. If you would like your address and phone details (including email address) kept confidential you need to inform us when you send in your submission. You have the right to correct any errors in personal details contained in your submission. If you do not supply your name and address the Council will formally receive your submission, but will not be able to inform you of the outcome.

If you have any further queries or would like further copies of the proposed policy, please contact **Stacey Solomon** 0800 492 452.