

**QLDC Council  
17 August 2017**

**Report for Agenda Item: 9**

**Department: Finance & Regulatory**

**Class 4 TAB & Gambling Venue Policy 2017**

**Purpose**

- 1 To consider the adoption of the proposed Class 4 Tab & Gambling Venue Policy.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Adopt** the proposed Class 4 TAB & Gambling Venue Policy 2017 as recommended by the hearing panel;
3. **Delegate** to the Community and Services Committee the power to appoint any three members for any hearing needed for Gambling Venue applications; and
4. **Appoint** three members from the Community and Services Committee to convene a hearing for a relocation application.

Prepared by:



Carrie Edgerton  
Regulatory Support  
Coordinator

2/08/2017

Reviewed and Authorised by:



Stewart Burns  
Regulatory and Finance  
General Manager

8/08/2017

**Background**

- 2 On 25 May 2017 Council resolved to publicly consult on its proposed Class 4 TAB & Gambling Venue Policy <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Full-Council-Agendas/2017/25-May-2017/Item-7/7.-Class-4-and-TAB-gambling-venue-policy-review.pdf>

- 3 The principal change to the proposed policy was the introduction of a residential condition, to prohibit the introduction of new venues in residential areas and to protect the interests of the district and community.
- 4 Formal consultation was conducted from 25 May 2017 – 30 June 2017, with two submissions being received: from New Zealand Community Trust and the Southern District Health Board.
- 5 Both submissions were in support of the proposed policy and initially wanted to be heard at a hearing. However both submitters changed their request to be heard after the closing date, as both submissions were in support of the policy.

### **Comment**

- 6 As a result of no submitters wishing to be heard, no formal hearing was necessary.
- 7 However, the appointed hearings panel considered the submissions and recommended that Council adopts the proposed Class 4 TAB & Gambling Venue Policy.

### **Delegations**

- 8 Council have received one application for a gambling venue relocation. The applicant has requested a hearing, meaning that three hearing members will need to be appointed from the Community and Services Committee.
- 9 In addition, the delegation needs to be amended for hearing recommendations. It currently sits with the Regulatory Manager, but to be fair to the applicant it is recommended that this delegation now sit with the Chair of the Community and Services Committee.

### **Options**

#### 10 Option 1 Status Quo

##### *Advantages:*

- 11 Renewal of the policy provides consistency with other Territorial Authorities and with the inclusion of the residential condition that protects the interest of the district and community.

##### *Disadvantages:*

- 12 The addition of the new condition will prevent new applications being approved in residential areas.

#### 13 Option 2 No Policy

##### *Advantages:*

- 14 Some of the community may see this as being more permissive.

### *Disadvantages:*

- 15 Council would not meet the legal requirements of the Gambling Act.
- 16 This report recommends **Option one** for addressing the matter.

### ***Significance and Engagement***

- 17 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the changes to the policy are minor and do not affect a large proportion of the community.

### ***Risk***

- 18 This matter relates to the strategic risk SR3 – Management Practice – working within legislation as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because of the harm that could be caused to the public and environment if this policy was not in place, it can also affect our environment of our residential areas.
- 19 The recommended option considered above mitigates the risk by treating the risk - putting measures in place which directly impact the risk.

### **Financial Implications**

- 20 There are minimal financial implications from this policy, which will be met through existing budgets.

### **Local Government Act 2002 Purpose Provisions**

- 21 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring gaming premises are not located in a residential areas.
  - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
  - Is consistent with the Council's plans and policies; and
  - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

- 22 The persons who are affected by or interested in this matter are residents/ratepayers and visitors of the Queenstown Lakes District.
- 23 Formal consultation was conducted from 25 May 2017 – 30 June 2017 as required under the Local Government Act 2002. The appointed hearings panel considered the submissions and recommended that Council adopts the proposed Class 4 TAB & Gambling Venue Policy.

## **Attachments**

- A Proposed Queenstown Lakes District Council Class 4 and TAB Gambling venue policy (Clean Version)

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**CLASS 4 AND TAB GAMBLING VENUE POLICY**

**Introduction**

Under section 101 of the Gambling Act 2003 Council is required to adopt a policy to regulate the growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within their district.

The areas where Council has authority to control are:

- To determine whether new class 4 and or TAB venues may be established within the district and if so to determine any restrictions to be placed on those locations; and
- If Class 4 venues are permitted in the district, to determine the maximum number of machines that may be in each venue, subject to statutory maxima.

**Objectives of the Policy**

- ensure the Council and the community has influence over the provision of new gambling venues in the district;
- To control and manage the growth of gambling in the district;
- To allow those who wish to participate in electronic gaming machine and totalisator (TAB) gambling to do so within the district;
- To prevent and minimise the harm caused by gambling;
- To create an information flow so that the ongoing effects of gambling in the district may be assessed.

**Strategic Alignment**

- This policy assists in the delivery of the following Council outcomes and goals:
- Protects the interests of the District and its community;
- Is cost effective and achieves the regulatory objectives; and
- Enables our community to comply with national and local legislation because they are well understood and easy to comply with.

**Location of Class 4 Gambling or TAB Venues**

Class 4 gambling and TAB venues may be established in the district subject to meeting the following criteria:

- a) A full application is submitted and fees paid;  
    **OPTION ONE:**
- b) Proposed new venues must not be established in any **residential zone** and
- c) Proposed and existing venues are not located within 50metres of or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant will be required to demonstrate that the proposed venue will not adversely impact on such institutions;
- d) Not being located so as to provide for a concentration of gambling venues;
- e) Not being a venue at which the primary activity is associated with family or children's activities;

- f) The electronic gaming machines being located within the venue must not be visible from the street, or visible to underage patrons at the venue; and
- g) No signage regarding either the provision of gaming machines or any prizes or jackpots available from gaming machines may be visible from any street or public place.

### **Maximum numbers of Electronic Gaming Machines permitted**

- New venues may be allowed a maximum of 9 (nine) electronic gaming machines.
- Venues with licenses issued after 17 October 2001 and operating fewer than 9 (nine) electronic gaming machines may be allowed to increase the number of machines operated at the venue to 9.

### **Primary activity of class 4 gambling premises**

New Class 4 gambling venues may only be established where the primary activity of the venue is:

- The sale and supply of alcohol for consumption on the premises as licensed under the Sale and Supply of Alcohol Act 2012.

### **Information Disclosure**

To provide information to enable Council to monitor activities at Class 4 gambling venues, each society operating electronic gaming machines in the Queenstown Lakes District shall provide the following information to the Council for each venue operated in the district:

Net expenditure (being the difference between money paid into and paid out as winnings from electronic gaming machines);

- Site fees paid to the site operator; and
- A copy of the responsible gambling policy in place at the venue.

In addition, each society shall provide information to the Council on the grants made by it directly to organisations within the Queenstown Lakes District including:

- The name and address of the organisation;
- The purposes for which the donation was made; and
- The amount of each donation made.

Information is to be provided to Council for each six-month period ending 30 June and 31 December each year. The information is to be provided to the Council within 2 months of the end of each reporting period, 31 August and 28 February.

### **Applications**

Applications for consent by the Queenstown Lakes District Council must be made on the approved form and must provide:

- Name and address details for the application;
- Physical address of premises proposed for the Class 4 venue;
- The names of management staff;
- Evidence that public notice of the intention to apply for a new venue (for either Class 4 or TAB venues) or an increase in electronic gaming machine numbers (for Class 4 venues) at an existing venue has been given;
- Evidence of police approval for owners and managers of the venue;
- Evidence that the primary purpose of the proposed venue complies with this policy;

- Evidence of the means by which the policy in respect of separation of gambling from non-gambling areas will be achieved; and
- A copy of the current alcohol on-licence for the premises.

### **Application Fees**

These will be set by the Queenstown Lakes District Council from time to time and shall include consideration of:

- The cost of processing the application, including any consultation and hearings involved;
- The cost of triennially reviewing the Class 4 gambling and TAB venue policy;
- A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the Queenstown Lakes District.

### **Public Notice Provisions**

Public notice of the intention to make application under this policy shall be made by placing notices in either the Southland Times or the Otago Daily Times on two consecutive Saturday editions. A similar notice shall be placed in at least two local newspapers that are delivered in the area surrounding the applicant venue over two consecutive weeks. If there are not two local newspapers circulated in the surrounding area then the notice shall be placed in both the Southland Times and Otago Daily Times and the one local newspaper.

The notice shall specify:

- The name of the society making the application;
- The physical location of the venue or proposed venue;
- The trading name of the venue or proposed venue;
- The number of electronic gaming machines that are proposed;
- Where the application is for an increase in the number of electronic gaming machines at the venue the notice shall specify the existing number and proposed number of machines;
- That objections to the granting of the application should be made in writing to Council's regulatory contractor and specify the name and address for service;
- The period during which objections may be made, which is twenty one (21) days from the date of first public notice in the Southland Times or Otago Daily Times.

### **Administration**

- Where any public objection is made to the application for a new venue or an increase in the number of machines at a venue under to this policy, then the application will be referred to the Community and Services Committee. This Committee will conduct a public hearing into the application that provides for community consultation.

ADOPTED 17 August 2017