

QLDC Council
26 October 2017

Report for Agenda Item: 6

Department: Finance & Regulatory

Class 4 and TAB Gambling Venue Relocation Policy

Purpose

To consider the proposal to commence a special consultative procedure in relation to the proposed Class 4 and TAB Gambling Venue Relocation Policy (the Policy)

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the commencement of the special consultative procedure in relation to the proposed Class 4 and TAB Gambling Venue Relocation Policy.
3. **Appoint** three Councillors (to be named) to hear and consider any submissions on the proposed Class 4 and TAB Gambling Venue Relocation Policy.

Prepared by:



Nathan Bates
Regulatory and Finance
Alcohol Licensing Inspector

10/10/2017

Reviewed and Authorised by:



Stewart Burns
Regulatory and Finance
General Manager

12/10/2017

Background

- 1 On 17 August 2017 Council resolved to adopt the current Class 4 and TAB Gambling Venue Policy <http://www.qldc.govt.nz/services/permits/gaming/>
- 2 The Gambling (Gambling Harm Reduction) Amendment Act 2013 required Council to consider whether to include a relocation policy in its Class 4 Venue Policy as part of the first review of the policy following this amendment on 14 September 2013.

- 3 Recently, an application to relocate 18 gaming machines was received, which identified this omission from Council's current Class 4 and TAB Gambling Venue Relocation Policy regarding the ability to consider the relocation of gaming machines.
- 4 The proposed policy and consultation will address this omission.

Comment

Gambling Act 2003

- 5 Recently, Council reviewed and adopted its Class 4 and TAB Gambling Venue Relocation Policy. However, an amendment in the legislation that requires the consideration to relocate gaming machines was not undertaken.
- 6 Section 102(5A) of the amended Act states:

"The first time that a territorial authority commences a review of the policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force, the territorial authority must (and may at any other time) consider whether to include a relocation policy (as defined in section 101(5)) in its class 4 venue policy."

- 7 The most recent review of the Class 4 and TAB Gambling Venue Relocation Policy would have been the first review since the amended legislation.

Proposed Relocation Policy

- 8 It is proposed that any relocation policy (to permit the relocation of gaming machines or not), would form part of the current Class 4 and TAB Gambling Venue Relocation Policy.
- 9 A number of other districts have considered a relocation policy, a summary of which is in Attachment A.
- 10 A policy such as this would establish for the community, whether to allow the relocation of gaming machines, and if so under what circumstances, or if the relocation of gaming machines is prohibited and why.
- 11 The proposed policy (Attachment B) reflects the objectives of the current Class 4 and TAB Gambling Venue Relocation Policy to:
 - a) To ensure the Council and the Community has influence over the provision of new gambling venues in the district;
 - b) To control and manage the growth of gambling in the district;
 - c) To allow those who wish to participate in electronic gaming machines and totalisator (TAB) gambling to do so within the district;
 - d) To prevent and minimise harm caused by gambling; and
 - e) To create an information flow so that the on-going effects of gambling in the district may be assessed.

- 12 The proposed relocation policy is consistent with the overall direction of the core policy. This appreciates that gambling is a recognised part of the entertainment industry in the district and that the level of control exercised by the policy is commensurate with the anticipated harm. The proposed relocation policy provides for this to occur in a simple manner, while protecting the community interest in maintaining the size, scale and location of individual venues.

Options

- 13 Option 1 Status Quo – Decline to permit the relocation of gaming machines

Advantages:

- 14 This would continue the reduction of the number of gaming machines in permitted venues (from 18 machines to a maximum of 9 machines), and may also assist in the reduction of harm from gambling.

Disadvantages:

- 15 The current Gambling Policy does not have an objective to reduce the number of gaming machines across the district (sinking lid) or a cap on the number of venues permitted across the district, therefore not permitting the relocation of machines could be seen as inconsistent by some.

- 16 Option 2 Adopt the proposed relocation policy of gaming machines for consultation.

Advantages:

- 17 This would be consistent with the current policy, which controls the location on new venues to prevent the establishment of gambling venues in residential areas or within 50 metres of sensitive sites such as schools.
- 18 This would permit businesses to move and maintain their gambling machine numbers and may maintain the level of community grants.

Disadvantages:

- 19 The relocation of gaming machines may not assist in the reduction of harm from gambling.

- 20 This report recommends **Option 2** for addressing the matter because it maintains consistency with the current Gambling Policy.

Significance and Engagement

- 21 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the matter has a low impact on the environment culture and people of the District. There will only be a low number of organisations that will be affected by this policy.

Risk

- 22 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 the current policy does not comply with the Gambling Act.
- 23 The recommended option considered above mitigates the risk by terminating the risk (by reviewing the policy).

Financial Implications

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

25 Council Policies, Strategies and Bylaws

- 26 The following Council policies, strategies and bylaws were considered:
- Class 4 and TAB gambling venue policy
 - Significance and Engagement Policy
- 27 The recommended option is consistent with the principles set out in the named policy.
- 28 This matter is included in the 10-Year Plan/Annual Plan
- Volume 1 – Long Term Council Outcomes for Regulatory Functions and Services.

Local Government Act 2002 Purpose Provisions

- 29 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 the policy complies with the Act;
 - 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

- 30 The persons who are affected by or interested in this matter are residents, ratepayers, iwi and visitors of the Queenstown Lakes district community.
- 31 The Council will publicly consult using the special consultative procedure on the proposed policy.

Legal Considerations and Statutory Responsibilities

32 The relevant legislation that must be considered comes from the Gambling Act 2003 which states in section 102(5A):

(5A) The first time that a territorial authority commences a review of a policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force, the territorial authority must (and may at any other time) consider whether to include a relocation policy (as defined in section 101(5)) in its class 4 venue policy.

33 Section 101(5) of the Gambling Act 2003 states:

(5) A **relocation policy** is a policy setting out if and when the territorial authority will grant consent in respect of a venue within its district where the venue is intended to replace an existing venue (within the district) to which a class 4 venue licence applies (in which case section 97A applies).

Attachments

- A Summary of Relocation Policies across New Zealand
- B Proposed Class 4 and TAB Gambling Venue Relocation Policy
- C Statement of Proposal