

# Statement of Proposal

## PROPOSED CLASS 4 GAMBLING VENUE POLICY & TAB VENUE POLICY



### 1. INTRODUCTION

- 1.1. The Gambling Act 2003 and the Racing Act 2003 requires all Territorial Authorities to develop a Class 4 Gambling and TAB Venue policy. The Hastings District Council adopted a Class 4 Gambling Venue Policy and TAB Venue policy in May 2004 and three yearly reviews were undertaken and completed in May 2007, September 2010, August 2013 and May 2017 in accordance with the Gambling Act 2003 and Racing Act 2003.
- 1.2. The Class 4 Gambling Venue Policy and TAB Venue policies currently have the following objectives:
- To support the purpose and intent of the Gambling Act 2003.
  - To avoid the establishment of class 4 gambling activities in locations close to residential areas, public facilities or other identified land uses sensitive to gambling activities.
  - To avoid the proliferation of class 4 gambling venue strips or blocks within the city
  - To encourage responsible gambling practices and attitudes in class 4 gambling venues
  - To minimise the potential for new entrant problem gamblers by reducing accessibility to gambling venues
  - To reduce the exposure and risk of under-18 year old persons to gambling opportunities and the promotion of gambling
  - To ensure as far as practicable that actual and reasonable costs relating to venue consent applications are borne by the applicant(s)
  - To control the growth of gambling within the scope of the Gambling Act 2003, while providing for the continued availability of sports or race betting within Hastings District in accordance with the purpose and intent of the Gambling and Racing Acts.

### 2. REASON FOR PROPOSAL

- 2.1 Under the Gambling Act 2003 all Class 4 Gambling and TAB Venue policies must be reviewed on a three yearly basis. The current policies were adopted in May 2017 and are therefore due for review. The current policies can be viewed on the council website at <https://www.hastingsdc.govt.nz/assets/Document-Library/Policies/Gambling-Strategy/Class-4-Gambling-Venue-Policy.pdf?> and <https://www.hastingsdc.govt.nz/assets/Document-Library/Policies/Gambling-Strategy/Gambling-TAB-Venue-Policy-Final.pdf?>
- 2.2 Section 102(5A) of the Gambling Act provides that the first time 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. As this review is the second review since the Amendment Act came into force on 14 September 2013, this review also considers the merits of a relocation policy.

- 2.3 This proposal is for a change of the current cap policy to a sinking lid and with the removal of the relocation policy. The proposal includes some minor wording amendments to the existing Class 4 Gambling Venue Policy. The proposed sinking lid policy with no relocation for gaming machines will reduce the current number of machines operating in the district over time
- 2.4 The TAB Venue policies will move from an open policy to a cap of one TAB venue in the District. Minor changes are proposed to the TAB venue policy for internal consistency. The number of TAB venues is proposed to limit the number in the District. Any new TAB venue proposal will be subject to the zone and locational requirements.
- 2.5 The proposed sinking lid with no relocation policy and TAB venues cap is based on a meeting held with the District Plan and Bylaws sub-committee where it was discussed on the options available and best solution to control class 4 gambling in the district. It was concluded that the sinking lid with no relocation policy was the best option as this provides for gambling but with emphasis to reduce machine numbers over time.
- 2.6 The proposed amendments are as follows:

#### Class 4 Gambling Venue Policy

Clause 1 (points 3 and 4) "Introduction".

- *Include no new machines or venues will be permitted in the district.*
- *Remove reference to may include a relocation policy.*

Clause 2 (points 3 and 4) "Anticipated Outcomes".

- *Delete "any new class 4 gambling venues shall be established within the central commercial zone, Havelock North Village Centre zone".*
- *Delete "class 4 gambling club venues can only relocate in a limited number of defined zones".*

Clause 3 (point 3) "Objectives of the Policy".

- *Remove reference to city and replace with District.*

Clause 4 (i and ii) "Establishment of Class 4 Machines & Venues"

- *Delete reference to 'cap' and replace with Sinking lid.*
- *Delete (i) A proposal to establish a new Class 4 gambling venue is not within the Central Commercial zone, Havelock North Village Centre zone (as defined in the maps in this policy)*
- *Delete "The total number of gaming machines in the Hastings District exceeds 293" and replace with "No new venues or machines will be permitted within the district".*

Clause 5 "Exceptions from Meeting Parts of the Policy"

- *Delete 5.1 Venue Relocation*
- *Council may grant consent under s 98(c) of the Act to a proposal to change the venue to which a class 4 venue licence currently applies, provided that the relocation of a venue to which a Class 4 Venue licence currently applies can only occur within the Hastings Central Commercial or the Havelock North Village Centre zones with the following exception:*

- *That the existing venues at Stortford Lodge and Clive, can only relocate within the Stortford Lodge and Clive zones as defined in the attached maps or within the Hastings Central Commercial or Havelock North Village Centre zones.*
- *In accordance with s 97A (2)(b) of the Act the maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled.*

Clause 6 (iii) “ Social impact considerations when applying to all class 4 gambling venues under this policy”

- Delete reference to “*liquor*” and replace with “*alcohol*”

Clause 7 (vii) Applications

- Remove reference to *liquor* and replace with *alcohol* and add *including licence number*.

Clause 8 (ii) “Hearing considerations”

- Add *social impact considerations*.

Clause 8 (vii) “Hearing considerations”

- Delete as the removal of the relocation policy is proposed “*The extent to which the relocated venue is giving effect to the sinking lid policy by resulting in a lesser number of machines overall, and*”

Clause 9 (ii) “Application Fees”

- Include *in accordance with section 150 of the Local government act*.

Table reference to review date “Hastings District Council Class 4 Gambling Venue Policy”.

- Replace *Date by which review must be completed* and replace with *review date*.

### TAB Venue Policy

Clause 2 “Objective of the Policy”

- Include the following “The number of TAB venues for the district is capped at one”.

Clause 4(i) “Where TAB venues may be established”

- Include *Hastings* to Central commercial zone.

Table reference to review date “Hastings District Council Class 4 Gambling Venue Policy”.

- Replace *Date by which review must be completed* and replace with *review date*.

2.5 Section 102(6) of the Gambling Act provides a policy does not cease to have effect just because it is being reviewed. Therefore, the current policy remains in place until a new policy is formally adopted.

## **3. WHAT IS THE PERCIEVED PROBLEM?**

3.1 These policies provide criteria for processing consent applications for Class 4 Gambling and TAB Venues in the Hastings District. Controls and standards are prescribed as per the Gambling Act 2003 to help inhibit and diminish problem gambling.



## 4. COUNCIL OBJECTIVES

4.1 The reviews of the policies under the provisions of the Gambling Act 2003 (the Act) and the Local Government Act 2002 are designed to ensure that Hastings District Council's policies continue to address identified problems and give effect to the following Council Objectives:

- Building safer communities.
- Develop a safe and vibrant city heart in the Hastings CBD.
- Provide resilient and adaptable social and recreational infrastructure and support services.

## 5. OPTIONS FOR ADDRESSING THE PROBLEM

5.1 The review of Hastings District Council's Class 4 Gambling Venue Policy and TAB Venue Policy has resulted in a recommendation to change the May 2017 policy with amendments. A sinking lid with no relocation policy is proposed. With the exception for club mergers, the sinking lid will control class 4 gambling for the district. A cap policy is proposed to limit the number of TAB venues in the district. The cap will be set to one venue as this is the current number of the TAB venue. Minor wording amendments are proposed to these existing policies to provide consistency with the Gambling Act and to provide further clarity and to simplify the existing wording.

5.2 The following options have been identified for consideration in terms of a capped versus sinking lid;

- Option One: New cap level of 278. This would be a reduction from 293 machines under the current policy. This means that gaming machines in the Hastings District will be maintained at the current level which would be at a ratio of 3.41 machines per 1,000 residents (retain relocation policy).
- Option Two: Current Cap level of 293 machines, making 15 gaming machines available for existing or new venues (retain relocation policy).
- Options Three: Sinking lid no new machines or venues will be permitted in the Hastings District. As machine are not utilised the number available drops. Option 3 would also remove the relocation policy.

5.3 A requirement of s 102(5A) of the Gambling Act is that Council consider whether to include a relocation policy (as defined in [section 101\(5\)](#)) in its policy. Section 101(5) defines a relocation policy as 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. The current policy includes an exception from meeting parts of the policy if a venue is relocating, and allowed a maximum of 9 gaming machines at the new location. The amendments to the Gambling Act mean that the policy cannot provide how many machines are allowed, but rather the

Act provides that the same number of machines can be operated at the new venue as the old venue.

## **6. ASSESSMENT OF OPTIONS**

- 6.1 The current Class 4 Gambling Venue Policy and TAB Venue policy were adopted in May 2017. The proposed changes serve to update and amend these two policies to provide further clarity of these policies and to ensure consistency with the current Hastings gambling environment.
- 6.2 The 2017 review resulted in a change to the Hastings Class 4 Gambling Venue Policy from a sinking lid to a cap on the number of gaming machines (293).
- 6.3 According to the Department of Internal Affairs report on 29 July 2019 there are 17 venues operating gaming machines and 293 gaming machines may be operated (276 machines are currently being operated) in the District. In May 2016, the Department of Internal Affairs recorded 19 venues and 287 (293 without the need of territorial authority consent) gaming machines operating within the Hastings District. This formed the basis for the current cap number of 293 machines for the district.
- 6.4 The proposed sinking lid with no relocation policy on gambling machines is based on a meeting held with the District Plan and Bylaws sub-committee where it was discussed on the options available and best solution to control class 4 gambling in the district. It was concluded that the sinking lid with no relocation policy was the best option as this provides for gambling but with emphasis to reduce machine numbers over time.
- 6.5 In reaching this decision, the subcommittee noted the 2019 research undertaken by the Department for Internal Affairs (DIA) which showed that Hastings players were spending longer hours playing gaming machines, betting more per game and more players were playing 'pokie' machines.
- 6.6 It was noted that problem gambling disproportionately affected deprived and low income families, of which a significant proportion in this district are Māori. The subcommittee considered that the benefit from community grants derived from gaming machine profits from non-club and club societies did not outweigh the community harm from gambling particularly in our vulnerable communities.

## **7. NEW ZEALAND BILL OF RIGHTS ACT 1990**

- 7.1 The Council must determine whether the proposed Class 4 Gambling and TAB Venue policies give rise to any implications under the New Zealand Bill of Rights Act 1990 (BORA). Council's legal advice is that the restriction set out in the proposed Class 4 Gambling and TAB Venue policies do not impose any unreasonable limitations on any particular right set out in the BORA.

## **8. CONSULTATION**

### *8.1 Submissions*

As part of the special consultative procedure required by the Local Government Act 2002, Council wishes to hear from any person, group or business that would like to make a submission on the proposed policies. Submissions may be lodged between 12 September and 12 October 2020.

Details of the policies can be viewed at:

- The Hastings District Council Lyndon Road East, Hastings.
- The Hastings, Flaxmere and Havelock North Libraries
- The Hastings District Council website: [www.myvoicemychoice.co.nz](http://www.myvoicemychoice.co.nz) where you can make an online submission.

Submissions may be lodged to the following address:

Class 4 Gambling and TAB Venue policies – Submissions  
Hastings District Council  
Private Bag 9002  
Hastings  
Attn: Junior Tuakana

Please ensure you include your contact details (name, phone, email, postal address), and whether or not you wish to speak to the Council at the hearing.

For further information contact **Junior Tuakana**:

*Phone:* 06 871 5000

*Email:* [juniort@hdc.govt.nz](mailto:juniort@hdc.govt.nz)