

Gambling Venues Policy Review 2017

Statement of Proposal

Background

In accordance with the Gambling Act 2003 and the Racing Act 2003, the Council is required to have a policy on Class 4 gambling and TAB venues. This combined policy is due for review every three years. The policy determines whether Class 4 and standalone TAB venues can be established in the district and, if so, where they can be located. Through these controls, the policy aims to minimise harm to the community caused by this type of gambling.

Class 4 gambling is defined as gambling that involves a gaming machine (also known as pokies). The machines are run by societies or clubs and a proportion of the net proceeds are required to be distributed to the community, or to a club's approved purposes.

TAB venues are legislated for under the Racing Act 2003. Council only has jurisdiction over numbers and locations of standalone TAB venues, not TAB outlets or agencies.

The Proposal

Council considers that its existing policy (a cap on the number of class 4 venues at 20, machines at 320 and TAB venues at 2) strikes an appropriate balance between permitting responsible gambling and minimising harm to the community. As a result, the proposed policy provides for a continuation of the status quo in regards to the number of machines and venues allowed in the Napier District. Currently Napier has consent for 19 venues, 304 machines and 2 TAB venues.

However, Council are proposing the following amendments to the policy:

1. The clause relating to the location of venues has been strengthened to ensure no new venues can locate in suburban commercial zones.
2. A proposed new cap of three Class 4 venues in the Taradale Suburban Zone (the current number of venues in this zone)
3. There are minor amendments to the title, wording and layout of the policy to improve its readability.

Have your say: Before making any final decisions on this policy, we'd like to have your input. Submissions may be lodged between 8 April and 19 May 2017. You can make a submission:

- Online submission: www.napier.govt.nz #GamblingVenuesPolicy;
- Post: Freepost 172273 Gambling Venues Policy Submission, Napier City Council, Private Bag 6010, Napier 4142; or

- Delivering your submission in person to the Civic Building Reception, Level 1, 232 Hastings Street, Napier.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.

Reasons for the proposal

Under a cap policy, there is provision for the consent of new venues once numbers fall below the cap. Council would like to control the location of these venues in order to minimise harm to the community. Research shows that accessibility increases opportunities to gamble and that low socio economic areas are disproportionately affected by the harmful effects of gambling. Therefore, Council would like to ensure that the location of these venues stays outside of neighbourhood centres, known as Suburban Commercial Zones in the District Plan. Instead, Council is in favour of locating them in the centre of town so that they are more accessible for visitors and tourists.

The Council are also proposing to cap the number of class 4 venues in Taradale to three. The reason for this is that Council would like to curb the potential growth of gambling in this area, which is becoming an increasingly popular community for families and family based activities.

Proposed changes to the wording have been marked in red in the draft policy that is included in this statement of proposal. Headings have been introduced to improve readability and some wording changes have occurred to provide consistency with the legislation.

Analysis of options

1. Number of Class 4 gaming machines

The Council, in consultation with the community, have the opportunity to influence gambling through restrictions on the number and locations of Class 4 and TAB venues. The Council considered the following options in relation to numbers of machines and venues:

Options	Benefits	Disadvantages
1. <i>Status quo - Retain the cap at 320 machines and 20 venues and 2 TAB venues</i>	Will provide no further opportunities for gambling from what currently exists	May not reduce gambling harm
2. <i>Lower the Cap amounts</i>	Could potentially reduce opportunities to gamble until lowered cap amount is reached, while still enabling existing venues to operate	May reduce proceeds returned to the community. May reduce opportunities for venues to align with the community causes supported by the societies that operate the gaming machines

3. <i>Remove the Cap (i.e no restrictions)</i>	May increase gambling proceeds returned to the community Opportunities to host gaming machines may encourage new hospitality venues to open	Will likely lead to an increase in the amount of venues and machines. Council will not be addressing gambling harm through reducing opportunities to gamble
4. <i>Adopt a sinking lid</i>	Reduces potential for problem gambling by reducing opportunities to gamble, while still enabling existing venues to operate. Will align policy with HDC	May reduce proceeds available to be returned to the community

5. Location of Class 4 and TAB Venues

The current policy is quiet on the location of new venues that may be granted consent when the number of venues and machines drops below the cap. This means that venues could potentially establish in small commercial shopping centres in low socio-economic areas. Council discussed the options for locations of new venues and are proposing restrict them to the CBD, Fringe Commercial, Ahuriri Mixed Use Zone, Main Industrial Zone and West Quay waterfront. These areas are considered less sensitive to the harmful effects associated with gambling as they are typically separate from residential areas, but are generally accessible to tourists and visitors. The options are to keep the status quo of no restrictions, or to introduce restrictions.

Options	Benefits	Disadvantages
1. <i>Status Quo – no restrictions on the location of new venues</i>	Less restrictions on the development of new venues	Does not assist with moving venues out of high deprivation areas
2. <i>Increase restrictions - no suburban commercial zones (with the exception of Taradale, max. 3 venues)</i>	Reduces the ability for new venues to be established in vulnerable areas	Reduces the options for where new venues can be established

3. Cap on venues in Taradale Suburban Commercial Zone

Council are conscious of the impact that any new venues may have on Taradale, which is increasing becoming a family orientated area. The options considered were:

Options	Benefits	Disadvantages
1. <i>Status quo - Retain the total cap at 320 machines and 20 Class 4 venues across the whole district</i>	Will provide hospitality business in the permitted zones (including Taradale) with the opportunity to host gaming machines if numbers fall below cap.	Potentially a number of venues could establish within a suburban commercial zone in the middle of residential activities. Council would be allowing for potential growth across the whole district in areas where it may not be suitable.
2. <i>Introduce a cap for Taradale Suburban Commercial zone.</i>	Will ensure no new opportunities for gambling will occur in the Taradale Suburban Commercial zone.	Reduces options for where new venues may be established.

Draft Gambling Venues Policy

Approved By:	Council		
Department:	City Strategy		
Date Approved:			
Next Review Date:		DOC ID:	216767
Relevant Legislation:	Gambling Act 2003, Racing Act 2003		
NCC Documents Referenced:	Napier District Plan		

Purpose

The purpose of this policy is to:

- Address the cumulative effects that additional opportunities for gambling in the district could present to our community
- To curb the growth of gambling in the district
- To minimise the harm to the community caused by gambling
- **Control the location of Class 4 gambling and TAB venues**

Definitions

Class 4 Gambling means gambling that utilises or involves a gaming machine as defined in the Gambling Act 2003

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

Gaming Machine means a device whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for the use in gambling. Also commonly known as 'pokie machines'.

TAB Venue means the premises that are owned or leased by the NZ Racing Board where the main business carried on at the premises is providing racing or sports betting services.

Policy

1. Total number of venues and machines to be allowed

1.1. New Class 4 and TAB Board venues may be established, subject to the following conditions:

- The maximum number of gaming venues in the Napier does not exceed 20;
- The maximum number of Class 4 gaming venues in the Taradale Suburban Commercial zone does not exceed 3;
- The total number of Class 4 gaming machines in the Napier District does not exceed 320;
- The maximum number of TAB venues does not exceed 2.

2. Number of gaming machines allowed per venue

- 2.1. The maximum number of gaming machines for Class 4 venues, clubs and TABs shall be the same as allowed under section 92, 93 and 94 of the Gambling Act 2003 (unless otherwise authorised by way of a club merger):

Category	Number of Machines
Licensed on or before 17 October 2001	18
Licensed since 17 October 2001	9

3. Class 4 and TAB venue relocations

- 3.1. A Class 4 or TAB gambling licence holder who holds consent from Council to operate in the Napier District may apply for consent to relocate.
- 3.2. For any site to which an existing Class 4 venue licence operator wishes to relocate, the maximum number of machines approved shall be 9.
- 3.3. If the venue from which the licence is relocated operates fewer than 9 machines, then the maximum of machines at the newly licenced site shall be the same as the Class 4 venue prior to being relocated.
- 3.4. The initial licence operated under must be surrendered prior to approval of an application for relocation.
- 3.5. Applications to relocate an existing Class 4 or TAB venue must meet all the necessary requirements of the policy, as if it was a new application for consent.

4. Club Mergers

- 4.1. Upon amalgamation of incorporated clubs operating a class 4 venue, the maximum number of machines of the new entity shall:
- Where the total number of machines operated by the clubs exceed 30, the maximum shall be 30 gaming machines, or such lesser number determined by resolution of Council.
 - Where the total number of gaming machines operated by the clubs is greater than 17 but less than 31, the maximum shall not exceed the amalgamated total.

5. Conditions for Consent

- ~~5.1.~~ New or relocating venues may only be located within the following zones specified in the Napier City Council District Plan:

- Inner City Commercial Zone
- Art Deco Quarter

- iii) Fringe Commercial Zone
- iv) Ahuriri Mixed Used Zone
- v) Main Industrial Zone
- vi) West Quay Waterfront
- vii) Taradale Suburban Commercial Zone (Maximum of 3 Class 4 venues).

5.2. Applicants must meet all application, declaration and fee requirements.

Draft

[illegible]

I/we seek the following decision:

- Submissions must be in writing, by way of this form (plus supporting documents if required), or online by going to www.napier.govt.nz and entering keyword: #gamblingvenuespolicy
- Council will take into account all submissions made when making a decision on the proposed policy.
- There will be a Council hearing for submitters who may wish to speak in support of their submission. Please include a daytime phone number for us to arrange a time.
- You do not have to attend this meeting
- Please note that all written submissions will be made available to the public on the Council website and will be included in the agenda for the meeting, which is available to the public.

Return to:

Freepost 172273
Gambling Venues Policy
Napier City Council
Private Bag 6010
Napier 4142

Closing date for submissions is 12pm, Friday 19 May 2017