

QLDC Council
25 May 2017

Report for Agenda Item: 7

Department: Finance & Regulatory

Class 4 and TAB Gambling Venue Policy Review 2017

Purpose

To consider the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy for public consultation using the special consultative procedure.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy for public consultation using the special consultative procedure; and
3. **Appoint** three Councillors from the Community and Services Committee [to be named] to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy.

Prepared by:



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Regulatory Support

10/05/2017

Reviewed and Authorised by:



Lee Webster
Manager; Regulatory

10/05/2017

Background

- 1 On 12 April 2017, the Community and Services Committee considered the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy and resolved to recommend that Council approves the proposed policy for public consultation.

- 2 The Gambling Act 2003 requires Council to adopt a policy to regulate the number growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within the district.
- 3 Queenstown Lakes District Council adopted its Class 4 and TAB gambling venue policy on 19 March 2004, which has been reviewed every three years since and is now due for review again.

Comment

- 4 The current policies objectives state that Council must control and manage the growth of gambling within the district. This objective has been met over the last 12 years as the number of venues that have machines has reduced, with a reduction of 50 machines throughout the district.
- 5 A review of policies from other councils (Auckland, Dunedin and Christchurch) has shown that we all have similar policies regarding the locations permitted for venues, what the primary activity of venues must be i.e. a licensed premises and that the machines must not be visible inside or outside the premises i.e. in a separate section of the premises.
- 6 Dunedin City Council's policy also contains a clause that would potentially benefit our community, which would prevent new gambling venues being established in residential zones.
- 7 This clause states "Proposed new venues must not be established in any residential zone and proposed and existing venues are not located within 50 metres 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 in such institutions" .
- 8 The Community and Services Committee considered the inclusion of this additional clause and recommended it be included in the proposed policy as it would be beneficial. The inclusion of this clause meets the strategic alignment section of the policy which states the policy must "protect the interests of the district and community" and this additional condition would meet this criteria by protecting our expanding residential communities.
- 9 In July 2013 Auckland Council adopted a sinking lid policy to reduce the number of class 4 venues to zero, with the intention of having a gaming free community, with the exception of casinos.
- 10 This condition was also considered by the Community and Services Committee however they wanted more information around sinking lids that is not currently available from the Department of Internal Affairs ("DIA"). The Committee determined not to include the clause at this stage, but this could be reviewed in the future.
- 11 A number of questions were asked of the DIA to determine the level of problem with gambling in our community and the grants received. The DIA advised that our district was in the lower percentile (0.24%) of problem gambling, and that 42.7% of revenue is granted back to the community it is received from i.e. our

community received \$612,533.71 in grants, the top 5 beneficiaries being Wanaka Primary School (\$45,000.00), Wanaka New Life Church Board (\$40,000.00), Aspiring Gymsports Inc (\$25,000.00), Queenstown Associated Football Club Inc. (\$23,761.77) and Arrowtown School Parent Teacher Association (22,962.05).

Options

14 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

15 Option 1 Adopt the proposed policy as recommended by the Community and Services Committee.

Advantages:

16 The policy will be renewed with the addition of the extra condition, this option is consistent with the policy to protect the interest of the District and community, in particular residential zones within our district.

Disadvantages:

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

18 Option 2 Status Quo

Advantages:

19 The policy will continue to minimise adverse effects of gambling on the community.

Disadvantages:

20 The policy does not protect residential areas from containing gaming premises. The number of machines will not reduce in our district.

This report recommends **Option 1** for addressing the matter.

Significance and Engagement

21 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

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 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.

23 The recommended option 1 considered above mitigates the risk by ‘treating the risk – putting measures in place which directly impact the risk.’

Financial Implications

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

Council Policies, Strategies and Bylaws

25 The following Council policies, strategies and bylaws were considered:

- Class 4 and TAB gambling venue policy

26 This matter is not included in the 10-Year Plan/Annual Plan.

Local Government Act 2002 Purpose Provisions

27 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. This is to minimise harm to the residential community by eliminating exposure to the general public in these locations;
- 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

28 The persons who are affected by or interested in this matter are residents/ratepayers and visitors of the Queenstown Lakes District.

29 Consultation is required under the Local Government Act 2002 and it is mandatory that the Special Consultative Procedure be used for the review of the policy.

The process for entering consultation on this matter requires the Committee to recommend to Council to do so.

Attachments

- A Proposed Queenstown Lakes District Council Class 4 and TAB Gambling venue policy
- B Current Queenstown Lakes District Council Class 4 and TAB Gambling venue policy
- C DIA response
- D Statement of Proposal