



STAFF REPORT

TO: Environment & Planning Committee

FROM: Graham Caradus, Regulatory Services Co-ordinator

REFERENCE: E503

SUBJECT: **SUPPLEMENTARY REPORT ON TASMAN DISTRICT COUNCIL GAMBLING VENUES POLICY- REPORT REP10-09-01 -** Supplementary Report prepared for re-convened hearing of 17 August 2010. To occur prior to full Council meeting on 2 September 2010

1. INTRODUCTION

At the hearing conducted by the Environment and Planning Committee of Tasman District Council on 17 August 2010, a general consensus was reached by committee members that the Tasman District Council Gambling Venues Policy September 2010 should specify a cap on gaming machine numbers, but that no limitation should be put on venue numbers. Committee members also expressed a desire to have some control on the location that any new gambling venues may occupy in future.

The writer was instructed to suitably redraft the policy to reflect the above views, and the meeting was adjourned to provide time for that process to occur.

2. REDRAFT OF TASMAN DISTRICT COUNCIL GAMBLING VENUES POLICY

The policy is redrafted as instructed and attached as appendix 1.

3. RECOMMENDATION

- 3.1 That pursuant to the delegated authority provided by Tasman District Council to adopt policy, the Environment and Planning Committee adopts the Draft Gambling Venues Policy September 2010 contained as "Attachment 1" of this report and on which the formal consultation process was concluded at the hearing on 17 August 2010.**
- 3.2 That the Draft Gambling Venues Policy September 2010 adopted in 5.1. above, shall come into effect on 30 September 2010 and that at that same time, the "Tasman District Council Gambling Act 2003 Venues Policy August 2007" be revoked.**

Graham Caradus
Regulatory Services Coordinator



The Gambling Act 2003 and The Racing Act 2003

Draft Gambling Venues Policy

September 2010

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1. PURPOSE

- 1.1 The Tasman District Council is required by the Gambling Act 2003 and the Racing Act 2003 to produce a policy that has regard to the social impact of gambling within the District. The Special Consultative Procedure under Section 83 of the Local Government Act 2002 and requirements of section 102 of the Gambling Act 2003 and section 65E of the Racing Act 2003 have been followed, with submissions being heard by the Environment and Planning Committee of Council on 17 August 2010.
- 1.2 The meeting of 17 August 2010 referred to above was adjourned to allow the Policy to be redrafted to reflect the intent of the Environment and Planning Committee. Subsequently, when the meeting was reconvened on 2 September 2010, the following resolution was passed:

That pursuant to the delegated authority provided by Tasman District Council to adopt policy, the Environment and Planning Committee adopts the Draft Gambling Venues Policy September 2010 contained as “Attachment 1” of this report and on which the formal consultation process was concluded at the hearing on 17 August 2010.

That the Draft Gambling Venues Policy September 2010 adopted in 5.1. above, shall come into effect on 30 September 2010 and that at that same time, the “Tasman District Council Gambling Act 2003 Venues Policy August 2007” be revoked.

**Moved/seconded
CARRIED**

2. OBJECTIVES OF THIS POLICY

- 2.1 To minimise the harm to the community caused by gambling.
- 2.2 To allow those who wish to participate in gaming machine or New Zealand Racing Board racing or sports betting to do so safely and responsibly within the District.
- 2.3 To ensure that Council and the community have influence over the provision of new gambling in the District.
- 2.4 To control the growth of gaming machine gambling in the Tasman District by limiting the maximum number of non-casino gaming machines permitted in Tasman District.
- 2.5 Achieving the objective in 2.4 by imposing a cap on the maximum number of gaming machines that are licensed in Tasman District at 220 (subject to the appeal by Robbies Bar & Bistro allowing a total of 14 machines). That “capped” number is determined by the number of such gaming machines permitted to operate in Tasman District by the Department of Internal Affairs in the report detailed in paragraph 3.3 and Appendix 1 of this Policy and dated 19 August 2010.
- 2.6 To allow new class 4 gambling venues for non-casino gaming machines to operate in Tasman District if such new venues comply with the intent of the cap on maximum permitted numbers, and are supported by the Environment and Planning Committee of Council on a case by case assessment.

2.7 To allow new gambling venues associated with New Zealand Racing Board stand-alone operations if such new venues are supported by Council on a case by case assessment.

3. “CLASS 4 VENUES” (PURSUANT TO THE GAMBLING ACT 2003)

3.1 Council consent, pursuant to section 98 of the Gambling Act 2003, is required by any society wishing to operate a class 4 venue on which non-casino electronic gaming machines are to be sited.

3.2 The consent required by 3.1 of this policy shall be subject to the following criteria:

- (a) meeting application and fee requirements;
- (b) the policy relating to the maximum number of non-casino electronic gaming machines that may operate in Tasman District is complied with;
- (c) applications for territorial authority consent for new class 4 venues shall be advertised, with public submissions being accepted for a period of 10 working days from the date of publication, after which the Environment and Planning Committee of Council shall approve or decline the class 4 venue consent application, with reasons for that decision being made available to all parties that expressed a view;
- (d) the primary activity of the proposed class 4 venue shall be a licensed premises pursuant to the Sale of Liquor Act 1989.

3.3 The premises and relevant societies and the details of the numbers of non-casino gaming machines operating within Tasman District, are listed in Appendix 1 of this Policy which shows the Department of Internal Affairs report made pursuant to section 103 of the Gambling Act 2003 and dated 19 August 2010.

4. APPLICATIONS FOR CLASS 4 VENUE (GAMING MACHINE) LICENCES

4.1 Must be made on the form defined in Appendix 2 of this policy and must provide:

- (a) evidence of a police clearance for owners and managers of the venue;
- (b) a copy of the proposed gambling harm minimisation policy and staff training programme;
- (c) a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- (d) evidence that the number of machines for which territorial authority consent is sought will not cause the maximum number of gaming machines permitted by the Tasman District Gambling Venues Policy September 2010 to be exceeded.
- (e) name and contact details for the applicant;

(f) street address of premises proposed;

4.2 Once an application for a Class 4 Venue territorial authority consent has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council.

5. NEW ZEALAND RACING BOARD GAMBLING VENUES (PURSUANT TO THE RACING ACT 2003)

5.1 Council consent, pursuant to section 65A of the Racing Act 2003, is required by any society wishing to operate Board venue on which racing and sports betting operated by the New Zealand Racing Board is to be undertaken.

5.2 The consent required by 5.1 of this policy shall be subject to the following criteria:

(a) meeting application and fee requirements;

(b) the proposed Board venue shall have relevant staff training programme and gambling harm minimisation policy;

(c) applications for territorial authority consent for a Board venue for racing and sports betting operated by the New Zealand Racing Board shall be advertised, with public submissions being accepted for a period of 10 working days from the date of publication, after which Council shall approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view;

(d) the primary activity of the Board venue shall be for racing and sports betting operated by the New Zealand Racing Board, and be owned or leased by the New Zealand Racing Board and used primarily for racing or sports betting; or be a racecourse;

(e) operators of the proposed board venue must show that people under the age of 18 years have minimal access to the facility.

6. APPLICATIONS FOR NEW ZEALAND RACING BOARD GAMBLING VENUES

6.1 Must be made on the form defined in Appendix 3 of this policy and must provide:

(a) evidence of a police clearance for owners and managers of the venue;

(b) a copy of the proposed gambling harm minimisation policy and staff training programme;

(c) a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;

(d) name and contact details for the applicant;

(e) street address of premises proposed;

6.2 Once an application for territorial authority consent for a Board venue for racing and sports betting operated by the New Zealand Racing Board has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council.

7. APPLICATION FEES

7.1 Any application for a territorial authority consent under Section 98 of the Gambling Act 2003 or Section 65B of the Racing Act 2003 shall be accompanied by the appropriate deposit and all fees due for the processing of the application must be paid before the territorial authority consent will issue.

APPENDIX 1: Operators of non-casino gaming machines

Report made to Council pursuant to section 103 of the Gambling Act 2003 on 19 August 2001.

Section 103 Class 4 Venues in Territorial Authority

Generated: 19-Aug-2010

TASMAN DISTRICT

Society Name	Venue Name	Venue Physical Address	GM Count	Maximum GM	TA Approved Maximum	GM on 22 Sept 2003	Exist on 17 Oct 2001 (Y/N)	Off Schedule (Y/N)
MOTUEKA MEMORIAL R.S.A. INC	MOTUEKA MEMORIAL RSA INC	49 HIGH STREET, MOTUEKA, TASMAN DISTRICT	9	18		9	Y	N
PUB CHARITY	COLLINGWOOD TAVERN	TASMAN STREET, COLLINGWOOD, TASMAN DISTRICT	4	18		4	Y	N
PUB CHARITY	JUNCTION HOTEL (TAKAKA)	15 COMMERCIAL STREET, TAKAKA, TASMAN DISTRICT	14	18		18	Y	N
PUB CHARITY	BRIGHTWATER MOTOR INN	1 LIGHTBAND ROAD, BRIGHTWATER, TASMAN DISTRICT	3	18		3	Y	N
PUB CHARITY	WAKEFIELD HOTEL	48 EDWARD STREET, WAKEFIELD, TASMAN DISTRICT	10	18		16	Y	N
CLUB WAIMEA INC	CLUB WAIMEA	345 QUEEN STREET, RICHMOND, NELSON	18	18		18	Y	N
AIR RESCUE SERVICES LIMITED	ROBBIES BAR & BISTRO (RICHMOND)	321 QUEEN STREET, RICHMOND, NELSON	9	9	9	14	Y	Y
NEW ZEALAND COMMUNITY TRUST	EL TAVERNA	183 QUEEN STREET, RICHMOND, NELSON	18	18		18	Y	N
NEW ZEALAND COMMUNITY TRUST	TAPAWERA HOTEL	84 MAIN ROAD, TAPAWERA, TASMAN DISTRICT	3	18		3	Y	N
NEW ZEALAND COMMUNITY TRUST	MAPUA TAVERN	151 ARANUI ROAD, MAPUA, TASMAN DISTRICT	8	18		12	Y	N
NEW ZEALAND COMMUNITY TRUST	STAR AND GARTER TAVERN	LEVEL 1 252 QUEEN STREET, RICHMOND, NELSON	18	18		18	Y	N
TRILLIAN TRUST	THE STABLES	1 MCGLASHEN AVENUE, RICHMOND, NELSON	18	18	18	12	Y	N
THE LION FOUNDATION (2008)	THE DODGY REF SPORTS BAR	121 HIGH STREET, MOTUEKA, TASMAN DISTRICT	9	9	9	9	N	N
THE LION FOUNDATION (2008)	RIWAKA HOTEL	MAIN ROAD, RIWAKA, TASMAN DISTRICT	4	18		6	Y	N
THE LION FOUNDATION (2008)	TELEGRAPH HOTEL	2 MOTUPIPI STREET, TAKAKA, TASMAN DISTRICT	9	18	18	7	Y	N
THE LION FOUNDATION (2008)	MOTUEKA HOTEL	77 HIGH STREET, MOTUEKA, TASMAN DISTRICT	18	18		18	Y	N
THE LION FOUNDATION (2008)	POST OFFICE HOTEL	122 HIGH STREET, MOTUEKA, TASMAN DISTRICT	18	18		18	Y	N

Gaming machines currently operating at venues: 190

Plus number of gaming machines the venues below can increase by without TA consent:

JUNCTION HOTEL (TAKAKA)	4
WAKEFIELD HOTEL	6
ROBBIES BAR AND BISTRO (RICHMOND)	5
MAPUA TAVERN	4
RIWAKA HOTEL	2
TELEGRAPH HOTEL	9

Plus gaming machines and venues currently within 6 months of surrender date:

No venues currently within 6 months of surrender date

Total number of gaming machines that may operate without TA consent: 220

Explanation of s103 report numbers

Class 4 venues licensed on or before 17 October 2001 do not need Territorial Authority (TA) consent to increase their gaming machine numbers to the number they notified as lawfully operating on 22 September 2003 (as long as they have not been without a licence for 6 months or more since then). Similarly, any venue that is operating less than the number of gaming machines specified in their most recent TA consent, if one was required, can increase to that number without additional TA consent.

If a venue's licence is surrendered or cancelled, any corporate society applying for a venue licence for that venue will not require TA consent if it does so within 6 months of the cancellation or surrender (that is, the end date listed on worksheet 2 of the attached spreadsheet).

Therefore these additional machines must be added to the number of gaming machines currently operating to establish the number that may operate without TA consent, which is **220** gaming machines in Tasman as of 19 August 2010.

I draw to your attention the situation at Robbies Bar and Bistro (Richmond). This shows a gm number notified as at 22 September 2003 of 14. The Department has accepted the TA's consent for a limit of 9 gms and has issued a licence on that basis. I understand that this decision has been appealed to the Gambling Commission as the society believes it has an entitlement to operate more than 9. The section 103 report has retained the (possible) number of 14gms for that venue in order to prevent a worst-case scenario whereby the district council could exceed its cap should the society succeed in its appeal to the Commission.

APPENDIX 2: Application for Territorial Authority Consent for Gambling Venue

Application for Territorial Authority Consent for Class 4 Gambling Venue

FORM NUMBER: RG3

30 September 2010

[Pursuant to section 98 of the Gambling Act 2003: Applies to new Class 4 venues.]

Section 1: Details of Applicant

Full Name of Society/Trust:

Postal Address:

Post Code:

Contact Person:

Phone:

Fax:

E-mail:

Section 2: Details of Gaming Venue

Name of Venue:

Street Address:

Liquor Licence Number:

Expiry:

Contact Person:

Phone:

Number of Gaming Machines at Venue:

Current: Proposed:

Section 3: Information to be provided with application *(Please tick box)*

- Site plan covering both gambling and other activities proposed for the venue
- Evidence of a police clearance for the owners and managers of the venue
- A copy of the proposed gambling harm minimisation policy and staff training programme
- Evidence that the number of machines for which a licence is sought will not exceed the maximum number permitted by the Tasman District Gambling Venues Policy September 2010.

New Class 4 Venues

Once an application for territorial consent for a new Class 4 Venue has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions. If submissions are received, the Environment and Planning Committee of Tasman District Council shall consider these and either approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view.

Application Fees

An application fee of \$500.00 shall accompany any application. This fee shall be regarded as a deposit for new Class 4 Venue applications, with extra fees being charged, dependent on the extent of processing of the application that is required. No such consent shall be issued by Council until all such fees have been paid.

The information that has been given is hereby certified to be true and correct.

Signature:

Date:

APPENDIX 3:

Application for Territorial Authority Consent for a Board Venue

FORM NUMBER: RG4

30 September 2010

[Pursuant to section 65B of the Racing Act 2003: Applies to new racing and sports betting venues.]

Section 1: Details of Applicant

Full Name of applicant:

Postal Address:

Post Code:

Contact Person:

Phone:

Fax:

E-mail:

Section 2: Details of Venue

Name of Venue:

Street Address:

Section 3: Information to be Provided with Application *(Please tick box)*

- Site plan covering activities proposed for the venue
- Evidence of a police clearance for the owners and managers of the venue
- A copy of the proposed gambling harm minimisation policy and staff training programme
- Evidence that the venue is leased or owned by the New Zealand Racing Board or a racecourse.

New Board Venues

Once an application for territorial authority consent for a new venue has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council. If submissions are received, the Tasman District Council shall consider these and either approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view.

Application Fees

An application fee deposit of \$500.00 shall accompany any application. At the conclusion of the process when the application has been granted or declined, the applicant shall pay to Council such further fees necessary to cover the costs and disbursements of Council in processing the application. No such consent shall be issued by Council until all such fees have been paid.

The information that has been given is hereby certified to be true and correct.

Signature:

Date:
