

Gambling Act 2003 and Racing Act 2003

Class 4 Venues and Racing Board Venues Policy Review

Statement of Proposal

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This Statement of Proposal has been prepared as part of consultation regarding a review of the Gambling Venue Policy

Under the Gambling Act 2003 and the Racing Act 2003 Council can approve consents for class 4 (pokie machine) gambling venues and standalone racing board venues. Both Acts require the Council to adopt a Policy and that it be reviewed every three years in accordance with the special consultative procedure under section 83 of the Local Government Act 2002.

The special consultative procedure gives the public an opportunity to make submissions and provide feedback on the proposed changes. Once the submission period closes, hearings will be conducted if people indicate they want to speak in support of their submissions.

1. Introduction

The Council's existing policy (combined policy of both types of venues) was last adopted in June 2010. Amendments to the Gambling Act 2003 made in 2013 mean that the Council must consider whether to include a "relocation policy" for class 4 gambling venues as part of this review. The Council has drafted a proposed Gambling Venue Policy, which is a revision of its 2010 Policy. A number of changes are proposed, which are summarised in the proposal.

Under the Local Government Act Section 150(4) Council can prescribe fees that are not already provided for in another enactment. The local authority can recover reasonable costs incurred by the local authority for the matter for which the fee is charged. The fees are being considered in this consultation to determine an application fee for all class 4 venue consents.

2. Reasons for the Proposed Changes

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 while allowing for it as a provision for funding given out to the community from proceeds.

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.

In reviewing the Policy a Territorial Authority may have regard to the social impact of gambling within the territorial authority district (positive and negative impacts).

It must consider whether to adopt a relocation policy on reviewing the policy for the first time since an amendment to the Gambling (Gambling Harm Reduction) Amendment Act 2013 came into force.

It may consider other matters that are relevant.

Council may prescribe fees with a sole purpose of the charge to recover reasonable costs incurred by the local authority in respect of the activity to which the charge relates.

3. Proposed Changes and Fees

Council considers that the current Policy requires changes; its existing policy (a cap on the number of gaming machines at 258) is greater than the demand (operating numbers have been lower than the cap since 2015). Reducing the cap will maintain existing operating capabilities and continue to provide a balance between permitting responsible gambling and minimising harm to the community. While Council proposes to reduce the cap, it also recommends that a relocation policy be adopted in the case an existing venue needs to move to a new premises due to uncontrollable circumstances.

Council is proposing the following amendments to the policy:

1. That a relocation clause be included for existing venues to apply for relocation due to uncontrollable circumstances providing they meet other requirements of the policy.
2. A proposed new cap of 240 gaming machines.
3. Minor amendments to the wording and layout of the policy to update changes in legislation and improve its readability.
4. Set an application fee of \$290.00 for a maximum processing time of two hours and an hourly charge thereafter of \$145.00.

A copy of the proposed Gambling Policy is available on Councils Website at www.marlborough.govt.nz or at Council offices.

4. Options

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:

	Benefits	Disadvantages
Retain cap (258)	May allow for new hospitality businesses to be established if the hosting of gaming machines enables the business to be financially viable.	May increase the opportunities for gambling and possible harm in Marlborough as there are currently only 240 machines able to operate.
Lower cap (240)	Reduces the opportunities to gamble and potential for problem gambling, while still enabling existing gambling venues to continue to operate.	May reduce the return to the community. May discourage new hospitality businesses, if they need gaming machines to be financially viable.
Remove cap	May encourage new businesses if machines influence a business's financial viability. May increase the return to the community.	An increase in the number of gaming machines may increase the potential for problem gambling.
Sinking lid	Reduces the potential for problem gambling by reducing the opportunities to gamble, while still enabling existing gambling venues to continue to operate.	May discourage new hospitality businesses, if they need gaming machines to be financially viable May reduce proceeds to the community if venues were to close.

Under a cap policy, there is provision for the consent of new venues if operating numbers fall below the cap. Council's assessment after developing a risk profile of gambling harm is that Marlborough has an overall low risk rating, whereby no restrictions are required. To maintain a low level of risk in Marlborough a lower cap is proposed. Lowering the cap maintains the number of current operating machines and amount of proceeds available to the community. Leaving the cap as it was set in 2007 may encourage new gambling venues to be established and possibly increase gambling harm in Marlborough.

Council considers that an application fee be the appropriate method to recover costs in processing class 4 venue consents. It also considers it appropriate that 100% of the costs are met by the affected applicant rather than some of this cost being apportioned to the general ratepayer, therefore an hourly charge will be additionally charged should an application take longer than two hours to process.

5. Have Your Say

Let us know what you think about the proposed changes and fee.

Anyone can make a submission. Your submission can support or oppose the proposals.

- You can make a submission online at <http://www.marlborough.govt.nz/> or you can collect a submission form from Council offices.
- Completed forms can be emailed to environmentalhealth@marlborough.govt.nz submitted by hand, or posted to the Picton or Blenheim Council offices.

Want More Information?

Submissions close
5.00 pm Monday
11 December 2017

If you have any questions about the proposed fees or need further information you can email; environmentalhealth@marlborough.govt.nz or phone Council on: **03 520 7400**

Timeline

Timeline for proposed changes	27 October – 11 December	Consultation period
	11 December 2017, 5.00 pm	Submissions close
	To be determined	Council considers submissions
	To be determined	Council decision on fees to be charged
	To be determined	New Policy and fees apply