

# STATEMENT OF PROPOSAL

## Proposed Class 4 Gambling Venue Policy

### WHAT'S BEING PROPOSED

Hamilton City Council (**the Council**) is seeking feedback on a proposed Class 4 Gambling Venue Policy (**class 4 policy**).

The proposed policy regulates the location and number of venues and clubs which have gambling machines (**venues**) within Hamilton City.

### BACKGROUND

The Gambling Act 2003 (**the Act**) requires the Council to have a class 4 policy. The Council has resolved to review its existing class 4 policy prior to its scheduled review date.

### QUICK FACTS

#### ***What is the main purpose of the policy?***

The Council is required by legislation to create a class 4 policy. The class 4 policy:

- must specify whether or not class 4 venues may be established and, if so, where they may be located; and
- may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
- may include a relocation policy.

#### ***How does the policy work?***

The policy outlines the process that the Council will follow in relation to an application for a new venue consent.

#### ***What venues does the policy apply to?***

The policy applies to any application for a new venue consent upon a request to relocate. The policy does not regulate existing venues that do not wish to change their venue.

#### ***Who manages the policy?***

Hamilton City Council is the Territorial Authority responsible for managing the policy in accordance with the Act.

#### ***Is the policy required to be reviewed?***

The Council must review the policy no later than three (3) years after its adoption as required under the Act.

## OPTIONS

### Option A: Adopt the draft Class 4 Policy

This option involves Council adopting the proposed Class 4 Policy. This option complies with the legislative requirements under the Act that requires Council to adopt a policy on Class 4 Gambling Venues.

Option A - Adoption the draft Class 4 Policy	
<b>Overview</b>	Sinking lid on venues and machines with no relocations or mergers permitted.
<b>Review date (Scheduled)</b>	May 2020
<b>Key Elements</b>	<p><b>Relocations</b></p> <ul style="list-style-type: none"> <li>No relocations permitted.</li> </ul> <p><i>Example: A venue site that is destroyed due to a fire will not be permitted to relocate to another venue site.</i></p> <p><b>Club Mergers</b></p> <ul style="list-style-type: none"> <li>No club mergers permitted.</li> </ul> <p><i>Example: A club that is destroyed due to a fire will not be permitted to merge its gambling operations with another club.</i></p>
Advantages	Disadvantages
<ol style="list-style-type: none"> <li>Provides the community opportunity to be consulted on an alternative policy position.</li> <li>Gaming venues and gaming machine numbers cannot increase in proposed policy.</li> <li>Community funding still available from corporate societies in proposed policy until all venues are permanently closed.</li> </ol>	<ol style="list-style-type: none"> <li>Further staff resourcing and costs of approximately \$7000-17,000.</li> <li>The opportunity for statistical data over a three year period for the existing policy adopted in September 2016 to understand its effectiveness will be lost if adopted.</li> <li>Corporate societies may not feel incentivised to close venues given they will not be able to get a new venue consent.</li> <li>No relocations in the proposed policy will deny any opportunity for more productive use of land by reducing barriers to venues from freeing up prime land/leases.</li> <li>Corporate societies will not be able to relocate machines when an event occurs outside their control in the proposed policy (e.g. building is deemed insanitary).</li> </ol>

### Option B: Do not adopt the draft Class 4 Policy

This option involves Council not adopting the proposed Class 4 policy. By not adopting the proposed Class 4 policy, it means that the existing policy will remain in place until it is reviewed (scheduled review date Sept 2019).

Option B – Do not adopt the draft Class 4 Policy (Retain status quo - existing policy)	
<b>Overview</b>	Sinking lid on venues and machines only allowing for limited relocation and mergers.
<b>Review date (Scheduled)</b>	September 2019

<p><b>Key Elements</b></p>	<p><b>Relocations</b></p> <ul style="list-style-type: none"> <li>• Outside of a gambling area into a gambling area.</li> <li>• Within a gambling area if the: <ul style="list-style-type: none"> <li>- venue is physically incapable of being reused for the purpose of the venue</li> <li>- landlord refuses to renew a lease</li> <li>- building deemed earthquake-prone, dangerous or insanitary.</li> </ul> </li> <li>• Further relocation restrictions in relation to: <ul style="list-style-type: none"> <li>- Other venues</li> <li>- The Casino</li> <li>- Schools/Early Childhood Centres</li> <li>- Residential/Special Character/Community Facilities Zones</li> </ul> </li> </ul> <p><i>Example 1: A venue outside of a gambling area can currently relocate to anywhere within a gambling area (subject to relocation restrictions above e.g. cannot be within 100 metres of a residential zone).</i></p> <p><i>Example 2: If a landlord increases the rent of a venue site, a venue will <u>not</u> be able to relocate.</i></p> <p><i>Example 3: If a venue site inside of a gambling area is destroyed due to a fire it will be allowed to relocate within 50 metres of another venue (subject to relocation restrictions above e.g. cannot be within 100 metres of a residential zone).</i></p> <p><i>Example 4: A venue outside of a gambling area will <u>not</u> be allowed to relocate next to another venue even if it is within a gambling area.</i></p> <p><b>Club Mergers (Clauses 4a and 9)</b></p> <ul style="list-style-type: none"> <li>• Permitted for a combined venue within the gambling area.</li> <li>• Max of lesser: <ul style="list-style-type: none"> <li>- 24 machines</li> <li>- sum of machines previously operated by each club</li> </ul> </li> </ul> <p><i>Example: two clubs with 9 machines each are currently allowed 18 machines at a new combined club venue.</i></p>
<p><b>Advantages</b></p> <ol style="list-style-type: none"> <li>1) Policy continues to be effective upon resolving to receive the report and to make no amendments made to the existing policy.</li> <li>2) No further costs or staff resourcing as the policy is already in place.</li> <li>3) Restrictions around relocation including proximity to sensitive sites already in the existing policy.</li> <li>4) Gaming venues and gaming machine numbers cannot increase under the existing policy.</li> <li>5) Enables (policy only adopted in September 2016) the collecting of statistical data over three year period</li> </ol>	<p><b>Disadvantages</b></p> <ol style="list-style-type: none"> <li>10) Does not give the community opportunity to be consulted on an alternative policy position.</li> <li>11) Corporate Societies may not feel incentivised to cease gaming operations given they will not be able to get a new venue consent.</li> </ol>

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to ensure an informed decision understanding how effective the existing policy has been.

- 6) Community funding still possible from corporate societies until all venues are permanently closed under the existing policy.
- 7) Corporate societies can relocate machines when a specific event occurs outside their control (e.g. landlord will not renew lease, building is deemed insanitary) under the existing policy.
- 8) Relocations and mergers may allow for more productive use of land by reducing barriers to venues from freeing up prime land/leases under the existing policy.
- 9) Opportunity to consider the Waikato DHB's 2018 (Oct) position statement (the current position statement was produced in Nov 2015 and the Waikato DHB review these statements every three years) prior to scheduled policy review.

## **TELL US YOUR THOUGHTS ON THE POLICY**

Before making any final decisions, we'd like to have your input.

You can give us feedback from **5 February 2018 to 5 March 2018**.

### **How to give feedback**

There are a number of ways you can give your feedback:

- Fill out a feedback form online at [hamilton.govt.nz/haveyoursay](http://hamilton.govt.nz/haveyoursay)
- Fill out the feedback form included in this Statement of Proposal and send to Hamilton City Council, Strategy Unit, Private Bag 3010, Hamilton 3240.
- Fill out the feedback form and deliver it to the Municipal Building Reception Lounge or one of Council's libraries.

Feedback forms and the proposed policy are on our website and available from Council libraries and the ground floor reception of Council's Municipal Building in Garden Place.

For any queries please ring 07 838 6699.

<i>First adopted:</i>	8 March 2004
Revision dates/version:	May 2018 / Revision 9
Next review date:	May 2021
Engagement required:	SCP
Document number:	
Associated documents:	Gambling Act 2003
<b>Sponsor/Group:</b>	City Growth

## CLASS 4 GAMBLING VENUE POLICY

### Purpose and Scope

1. To control the growth of Class 4 gambling venues.
2. To minimise the harm caused by Class 4 gambling.

### Definitions

Term	Means
Venue	A Class 4 gambling venue being a place used to operate class 4 gambling as defined in Section 4 of the Act.
Venue consent	A class 4 gambling venue consent provided by the Council to a society in accordance with this policy and the Act.

### Policy

3. To hold a venue consent under this Policy, the primary activity of a venue must be either for:
  - a. the sale of alcohol or, the sale of alcohol and food where the venue is subject to an on licence (but not being a bring-your-own licence) or club licence; or
  - b. the conducting of race and sports betting in standalone, alcohol free New Zealand Racing Board venues under the Racing Act, 2003 subject to compliance with s 33(3) of the Gambling Act 2003.
4. The Council will not grant venue consent for the establishment of any new venues. This also means The Council will not grant venue consent for the relocation of an existing venue.

### Monitoring and implementation

5. The implementation of this policy will be monitored by the General Manager City Growth.
6. The policy will be reviewed in response to any issues that may arise, every three years as required under the Act, at the request of Council or in response to changed legislative and statutory requirements (whichever occurs first).



# FEEDBACK FORM



## PROPOSED draft Class 4 Gambling Venue Policy

Hamilton City Council is proposing to adopt the draft Class 4 Gambling Venue Policy. Tell us what you think.

1. Is the approach in the policy that the Council will take to grant new venue consents clear?

Yes

No

(Please explain why/why not) \_\_\_\_\_

\_\_\_\_\_

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2. Is the approach in the policy the Council will take to grant new venue consents:

Appropriate (Option A)

Too restrictive (Option B)

(Please explain clearly why/why not) \_\_\_\_\_

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**3. Are you responding as/or representing? (tick all that apply)**

- A Class 4 Operator/Venue
- An Incorporated Society or Charitable Trust
- A Social Service Provider
- Other: \_\_\_\_\_

**4. Do you live in:**

- Hamilton City
- Waikato or Waipa District
- Greater Waikato District
- New Zealand
- Overseas

**5. Can you tell us your age group?**

- 16-24
- 25-35
- 36-50
- 51-64
- 65+

**6. Please provide your contact details (\* required fields)**

\* Name: \_\_\_\_\_

Organisation (where applicable): \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_ Post code: \_\_\_\_\_

Phone: \*(day) \_\_\_\_\_ (evening) \_\_\_\_\_

\* Email: \_\_\_\_\_

**7. Do you wish to be heard in support of your submission or feedback in April 2018?**

- Yes
- No

***Please give us your contact details (above) if you wish to be heard***

**Note:** Please be aware when providing personal information that all responses are part of the consultation process. As such it may be reproduced and included in Council's public documents such as Council agendas and minutes. These documents are available on Council's website at [hamilton.govt.nz](http://hamilton.govt.nz)

**Please get your feedback to us by the 5 March 2018.**

**You can:**

- Complete it online at [hamilton.govt.nz/haveyoursay](http://hamilton.govt.nz/haveyoursay)
- Post the form to Freepost 172189, Strategy Unit, Hamilton City Council, Private Bag 3010, Hamilton 3240
- Drop it off to the Hamilton City Council Office in Garden Place, any Hamilton City Library.