

## Council Briefing Agenda

**Date:** Tuesday, 26 February, 2019

**Time:** 10:30 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)

Cr Stu Bell

Cr Gavin Benney

Cr Crichton Christie

Cr Vince Cocurullo

Cr Tricia Cutforth

Cr Shelley Deeming

Cr Sue Glen

Cr Phil Halse

Cr Cherry Hermon

Cr Greg Innes

Cr Greg Martin

Cr Sharon Morgan

Cr Anna Murphy

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

**1. Apologies**

**2. Reports**

2.1 Trading and Events in Public Places Bylaw 1

2.2 Class 4 Gambling and Board Venue Policies review 43

**3. Closure of Meeting**

## 2.1 Trading and events in public places bylaw

**Meeting:** Council Briefing  
**Date of meeting:** 26 February 2019  
**Reporting officer:** Shireen Munday – Strategic Planner

### 1 Purpose

To provide Council with an overview of the bylaw development and review process and the purpose of the proposed new bylaw.

### 2 Background

In December 2017, Council's Hawkers, Mobile Shops, Stands and Stalls Bylaw (Hawkers Bylaw) was automatically revoked as it had not been reviewed in accordance with the required statutory timeframes. Staff had reported back on this matter to the Planning and Development Committee in April 2017 and then subsequently to Council in November 2017. The reports recommended that the key provisions of the bylaw, which were to control trading in public places through permits, were sufficiently covered under Council's Public Places Bylaw and therefore there was no risk to Council in letting the bylaw automatically be revoked.

At the same time, staff recommended a work programme should commence to develop a 'trading and events in public places bylaw' (TEPP), which would combine all necessary matters from the now revoked Hawkers Bylaw, as well as those matters that relate to trading and events in the Public Places Bylaw (PPB) in one single bylaw, for consistency and completeness. For completeness, Council's current Control of Advertising Signs Bylaw will be included in the review to ensure the removal of any duplication or overlaps if and where necessary.

This work programme has now commenced, with an indicative timeframe for a new TEPP to be in place prior to summer 2019/20.

### 3 Discussion

#### 3.1 Approach

Staff have undertaken an initial analysis of the clauses in Council's PPB to determine how and what Council currently regulates relating to trading and events in our public places. Attachment 1 contains a copy of the PPB with the relevant clauses highlighted. The now revoked Hawkers Bylaw (attachment 2) has also been reviewed.

The process will include the development of the new bylaw as well as the associated necessary amendments to the PPB and Control of Advertising Signs Bylaw.

Staff are proposing to develop a draft TEPP Bylaw for consultation that will cover the following activities:

### **Trading**

- Markets
- Stalls
- Mobile shops (either static e.g. coffee carts, or 'roaming' e.g. Mr Whippy)
- Outdoor dining (alfresco)
- Fundraising
- Distribution of promotional goods and materials
- Outdoor display of goods
- Street performance/busking/pavement art

**Events** - *organised temporary commercial or community activities that include:*

- Organised gatherings
- Parades
- Protests
- Weddings/private functions
- Festivals
- Concerts
- Sports events

### **Filming**

- For commercial purposes
- Where the scale is such that it might obstruct the use of a public space

Overall, the purpose of the bylaw is to provide a framework for Council to apply a transparent, consistent and agreed approach to all trading and event activities in our public places, taking into consideration the needs of the key stakeholders, who are:

- Council
- Trading and events operators
- Customers, residents, ratepayers and visitors

The intent is for Council to be able to manage trading and events in our public places in a way that will support and enhance local businesses, contribute to quality of life by improving access to affordable goods and services and encourage social interaction and enhance street life.

The use of public places for private or community events needs to be managed in a way that avoids conflicting uses and enhances the experience of organisers and participants.

To achieve this, most trading and events activities in the District need to be managed through a permit system, which is a key component of the proposed TEPP.

The review will include a review of related policies, including, but not limited to, the Alfresco Dining Policy, the Town Basin Control of Activities Policy and the Weekend and Night Time Economy Strategy. The TEPP will also have to be developed taking into consideration Council's Reserve Management Plans, Events Strategy, City Centre Plan and any other strategies, policies or regulatory tools that impact on the matters of the proposed bylaw.

The vision for the overall work programme is to develop the TEPP, which will then be supported by associated guidelines and processes to allow for aligned and streamlined permit applications to be received and processed by Council, across a range of Council departments.

The TEPP will include minimum criteria and approval conditions that must be met for all types of trading and events, but will also allow for exemptions in certain circumstances.

Due to the timing of the project, any fees and charges relating to the TEPP will be charged in accordance with the 2019/2020 generic bylaw related fees and charges. It is understood there are no significant changes proposed for these fees at this stage. Any review and proposal for revised or new fees and charges under the new Bylaw will be incorporated into the 2020/2021 fees and charges development process for Council consideration.

Staff are seeking feedback on the proposed approach, prior to implementing the project plan as per section 3.2

### 3.2 Bylaw development timeframes

When	What	Comment
<b>Apr-19</b>	Council pre-SOP briefing	A final briefing to discuss the content of the proposed bylaw
<b>May-19</b>	Adopt SOP	Adoption of proposed bylaw for consultation
<b>Jun-19</b>	Consultation	Statutory consultation period
<b>Jul-19</b>	Hearings	
<b>Aug-19</b>	Deliberations	
<b>Sep-19</b>	Make Bylaw	Bylaw to be made prior to 2019 Local Elections
<b>Oct 19</b>	Implementation	Guidelines and processes to be completed and new system implemented.

## 4 Attachments

1. Current Public Places Bylaw showing proposed clauses to be amended
2. Revoked Hawkers Bylaw



# **Public Places Bylaw 2014**

**September 2014**

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## 1 Introduction

This bylaw is made in accordance with the Local Government Act 2002, the Land Transport Act 1998 and the Bylaws Act 1910

## 2 Purpose

The Public Places Bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.

### Interpretation

In this bylaw, unless the context otherwise requires:

**Beach** means the foreshore between mean low water springs and mean high water springs and includes Whangarei District Council administered sand dunes.

**Busking** means performing for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places for voluntary donations.

**Central Business District** means the central business district of Whangarei as depicted in the diagram in Appendix II of this bylaw.

**Constable or Member of Police** means a person appointed under the Policing Act 2008.

**Chief Executive Officer or delegate** means the person appointed as the Chief Executive Officer of Council and includes any officer of Council acting under the delegated authority of the Chief Executive Officer.

**Council** means Whangarei District Council.

**Mobility device** has the meaning given to it in Section 2 of the Land Transport Act 1998.

**Public place** has the meaning given to it in Section 147(1) of the Local Government Act 2002.

**Road** has the meaning given to it in the Local Government Act 1974 and includes a street.

**Roller Skate** means a series of wheels attached to a framework, which can be fitted over ones shoe or a shoe with wheels attached and includes any similar thing used in a similar way.

**Skateboard** means a board mounted on sets of small wheels, for riding on and includes any similar thing used in a similar way.

**Vehicle** has the meaning given to it in Section 2 of the Land Transport Act 1998.

**Week** means the period from a Monday to the following Sunday inclusive.

## 3 Obstruction

No person shall:

- a. Leave standing or lying, nor pack or unpack upon a public place any case, crate, carton, barrow or other similar thing whatsoever so as to cause an obstruction;
- b. Push, pull or trail or cause to be pushed, pulled or trailed any heavy thing so as to obstruct or cause damage to a public place;
- c. Wilfully displays any item for sale on any mall, footpath or public place, or places any table or bench or similar thing used to display, or offer for sale any, good, service or product on any mall, footpath or public place without the prior permission of the Chief Executive Officer or delegate.
- d. Wilfully or negligently encumber or obstruct a public place in any manner, whether or not specifically proscribed in this bylaw.

## 4 Litter Bins

No person shall with respect to any litter bin on any public place:

- a. Place any flammable material or matter therein;
- b. Set light to the contents of any such bin;
- c. Use any such bin for the disposal of any offensive matter or household, shop, office or trade refuse of any kind

## 5 Footways, Verges, Grass Plots and Flowerbeds

5.1 No person shall on any footway (whether such footway be formed or unformed):

- a. Park any motor vehicle, trailer, caravan, cart or bicycle.
- b. Drive, ride or lead a horse in an unsafe manner

5.2 No person shall:

- a. Cause, permit or suffer any livestock to be led, ridden or driven, upon, across, or along any grass plot, berm, or flowerbed laid out on any public place.
- b. Cause, permit or suffer any vehicle to stand, or remain standing or be driven upon, across or along any grass plot, berm, or flowerbed in any public place under the control of Council, so as to cause, or be likely to cause, any damage.
- c. Cause, permit or suffer any livestock or vehicle to be driven along or across any water channel in a public place.

## 6 Gates to Open Inwards

No person shall hang, or permit or suffer to be hung, any door or gate abutting on any public place or in or about the entrance to any premises abutting on a public place so as to render it capable of being swung over to or across such public place.

## 7 Processions

No person shall, without the prior written consent of the Chief Executive Officer or delegate, participate in any procession other than a funeral procession, or any meeting, gathering or demonstration, so as in any way to impede traffic or cause an obstruction or inconvenience to other persons in a public place

## 8 Distribution of Notices

No person shall without the prior written consent of the Chief Executive Officer or delegate:

- a. Distribute handbills, tickets, pamphlets or other printed matter to any person in a public place.
- b. Expose to view, distribute or offer for sale in a public place, and placard, handbill, print or other document of an offensive or indecent character.

## 9 Begging and Soliciting Donations

No person shall in any public place:

- a. Beg, in a manner that may intimidate or cause a nuisance to any person.
- b. Solicit any subscription, collection or donation without the prior written consent of Chief Executive Officer or delegate.

## 10 Games & Other Activities

No person shall play any game or indulge in any sport, recreation or other activity of any kind whatsoever on any road or street, park, reserve or recreation facility to the annoyance, inconvenience or obstruction of any other person, or damage to property.

## 11 Trading

No person shall engage in any commercial enterprise whatsoever in a public place except as may be permitted by any other bylaw, the District Plan or by the Chief Executive Officer or delegate.

## 12 Damage

No person shall paint, damage, deface, destroy or remove any tree, shrub, flowerbed, or any building or other structure, any monument, statue, litter bin, or any other property whatsoever on any public place.

## 13 Display of Notices

No person shall place any poster, placard, notice or other document in any public place without the prior written consent of Chief Executive Officer or delegate and where consent is given for the temporary display of notices to be attached to poles then such poster, placard or notice shall be tied or otherwise firmly secured

to such poles. The sign must be removed at that time specified and not contradict other bylaws or the district plan.

#### **14 Articles displayed for sale**

No person shall without the prior written consent of Chief Executive Officer or delegate expose for sale any article whatsoever outside any shop or other business premises so as to encroach onto any public place, or suspend any article for sale over such public place.

#### **15 Encroachment of Projections**

No portion of any building may encroach on or project over any road or street, or public place unless it complies with the District Plan and all requirements of the Building Act 2004 except:

- a. Any verandah, portico, awning, lamp or other erection or construction which has been erected in accordance with a permit issued by the Chief Executive Officer or delegate and in any case subject to such conditions as the Chief Executive Officer or delegate may determine.
- b. Any architectural features, balconies, fire escapes, bay and oriel windows erected in accordance with the provisions of this or any bylaw.
- c. Any doorstep, cellar door or other projection with the prior written consent of the Chief Executive Officer.

#### **16 Opening any Public Place**

No person shall:

- a. Without the prior written consent of the Chief Executive Officer or delegate, open any public place or footway for the purpose of installing or repairing a private service of any kind whatsoever.
- b. Obstruct or damage any culvert, sewer or drain on any public place.

#### **17 Protection of Cellars**

No person shall:

- a. Fail to keep in good repair any rail, grate, fence or cover, over or about any area or entrance or lighting place to any cellar, basement or other place opening into or upon any public place.
- b. Keep open any cellar, basement or other place for more than a reasonable time when putting articles into or taking articles out of it, or omit to protect the entrance when open for use.

#### **18 Repair of Fences**

1. Where any fence abutting onto a public place is in the opinion of the Chief Executive Officer or delegate, in a dangerous state of disrepair or is impacting on the amenity value of the area the Chief Executive Officer or delegate may by notice in writing require the owner to repair or remove such fence within a specified time.
2. Where a fence abutting onto a public place is removed the Chief Executive Officer or delegate may require a new fence to be erected where the Chief Executive Officer or delegate deems it expedient for public safety.
3. The Chief Executive Officer or delegate may by notice in writing require the owner or occupier of land which has no fence erected along a boundary between that land and a public place, to erect sufficient fence as defined in the Fencing Act 1978 along that boundary.

#### **19 Buildings Prohibited**

No person shall:

- a. Erect, construct or place any temporary or permanent building, tent or other structure whatsoever, or any part thereof, under, over or across any public place, except with the prior written consent of the Chief Executive Officer or delegate.

#### **20 Building May Be Removed**

The Chief Executive Officer or delegate may remove or alter any building, structure or erection or any part thereof which has been erected, constructed or placed so as to be over, under, upon or across any public

place, in breach of this bylaw and may recover the costs of removal or alteration from the person responsible.

## **21 Lighting of Obstructions and Excavations**

No person shall, between sunset of one day and sunrise of the next day:

- a. Place or leave on any public place any material, building debris, rubbish or other thing whatsoever (whether or not with the permission of the Chief Executive Officer or delegate), without adequate approved lighting or without regard to public safety.
- b. Make any hole or excavation whatsoever in any public place without adequate barriers being erected around such excavation and without the installation of approved lighting.

## **22 Interference with Street Lamps & Warning Lights**

No person shall extinguish damage or break any street lamp, or break or damage any lamp post, or break, damage, remove or interfere with any warning light, sign or barricade placed to warn the public of danger or for any other public purpose.

## **23 Building Numbers**

- 23.1 The owner of any building shall mark the building with such number as the Chief Executive Officer or delegate shall direct or approve, and shall renew such number as often as it becomes obliterated, defaced or illegible, or as the Chief Executive Officer or delegate may order or direct.
- 23.2 No person shall destroy, pull down, obliterate or deface the number of any building or the nameplate of any street or public place, or paint, affix or set up any other number to any building or name of any street contrary to the provisions of this part of this bylaw.

## **24 Flammable Material**

No person shall leave any flammable material or matter on any public place so as to cause danger to any person or property except with the prior written consent of the Chief Executive Officer or delegate.

## **25 Planting or Removal of Trees and Plants**

No person shall plant or remove or damage any tree, shrub or flower on any public place except with the prior written consent of the Chief Executive Officer or delegate.

## **26 Vehicle Crossings over Footways**

- 26.1 No person shall drive, ride, propel or wheel any vehicle across any footway or grass plot on any public place except over a vehicular crossing constructed in accordance with this Bylaw.
- 26.2 Any person desiring the construction, repair, widening or altering of any vehicular crossing may apply and at the same time pay the prescribed fee to the Chief Executive Officer or delegate for a vehicular crossing permit.
- 26.3 Any person to whom such a permit is issued shall carry out all work in a safe manner in accordance with that permit.
- 26.4 All properties or premises require adequate complying vehicle crossings. Where a crossing is required or does not meet the appropriate council standards the Chief Executive Officer or delegate may require the owner to construct a complying vehicle crossing. Where the vehicle crossing is not installed as required the crossing may be constructed by Council at the owner's expense.
- 26.5 Where a vehicle crossing becomes damaged and in need of repair and it is established that the damage has been caused by the owner or occupier of the premises served by the crossing, the Chief Executive Officer or delegate may require that the crossing be repaired by the owner. Failure to comply with the instruction may result in the crossing being repaired by Council with the costs being recovered from the owner.
- 26.6 In complying with any consent given, an applicant shall:
  - a. Construct the temporary crossing for which permission has been given to a standard approved by the Chief Executive Officer or delegate.

- b. Ensure that all vehicles using the crossing shall be taken right across the crossing so as not to obstruct a public place.
- c. Ensure that such temporary crossing is kept well lit between sunset of any one day and sunrise of the next day, and swept clear of all debris at all times. Also removed at an agreed time or as instructed by the Chief Executive Officer or delegate.

## 27 Discharge of Surface Water

Where in the opinion of the Chief Executive Officer or delegate land adjoining, fronting or near any street or public place is so situated that surface water from or upon such land may discharge onto such street or public place in such a manner so as to cause, or be likely to cause, damage to the street or public place then the Chief Executive Officer or delegate may serve upon the owner of such land a notice in writing requiring the owner within a reasonable specified time to repair, reconstruct, or construct any work or appliance to such standard as is specified in the notice and in the event that any notice so issued is not complied with the Council may carry out work and to recover the costs from the owner.

## 28 Horses and Stock on Beaches

### 28.1 No person shall:

- a. Ride, drive or lead stock, excluding horses, on any beach.
- b. Ride, drive or lead any stock or horse on any footbridge.

### 28.2 Horses are generally permitted on any beach provided that no person shall:

- a. Ride, drive or lead horses on any beach in an inconsiderate, careless or dangerous manner.
- b. Ride, drive or lead horses on any sand dune.
- c. Swim horses within 100 metres of a swimmer.
- d. Unload any horse directly onto any beach from a horse float, clean out or sweep out a horse float onto any beach.

### 28.3 No person shall:

- a. Ride, drive or lead horses on any beach or adjacent reserve at the locations detailed in Schedule i of Appendix I.
- b. Ride, drive or lead horses on the foreshore on any conservation area from which horses are banned at the locations detailed in Schedule ii of Appendix I.
- c. Ride, drive or lead horses on any beach that is a safe zone at the locations detailed in Schedule iii of Appendix I.

### 28.4 No person shall, without the prior written consent of the CEO or delegate, ride, drive or lead any horse on any beach between the hours of 9am to 5pm on any day during the period from and including 20 December in any year to 31 January in the following year **excluding the following beaches:**

- a. Ruakaka lying between the eastern end of Mair Street Ruakaka and finishing at a line drawn directly eastward across Ruakaka Beach from the eastern end of Station Road, Ruakaka such being shown generally in Schedule iv of Appendix I attached hereto.
- b. Uretiti lying between Tip Road and finishing at a line drawn directly eastwards across Ruakaka beach from the southern point of the Uretiti Camp ground block such being shown generally in Schedule iv of Appendix I attached hereto.

### 28.5 Council may by resolution add, delete or otherwise alter schedules i, ii, iii and iv in Appendix I.

### 28.6 Notwithstanding clauses 28.2 and 28.3, no person shall ride, drive or lead any horse on Ruakaka Beach between Ruakaka River and Karawai Street, without the prior written consent of the Chief Executive Officer or delegate.

### 28.7 Horses ridden on any beach by Police staff for enforcement purposes are exempt from the provisions of this bylaw.

## 29 Slaughter of animals

No person shall:

- a. Slaughter or skin an animal upon a public place; or
- b. Fail to dispose of in a proper manner the carcass or any part of the carcass of an animal belonging to, or in the charge or keeping of that person.

### 30 Parks and Reserves

**30.1** The following activities are expressly prohibited in parks and reserves. Where there are approved Management Plans prepared under the Reserves Act, these provide specific provisions for uses and activities for particular parks or reserves. These documents should be read in conjunction with this bylaw, however the Reserve Management Plan will prevail.

**30.2** No person shall:

- a. Operate, or drive, or park any vehicle on any sports field, grass and garden areas of parks and reserves unless those areas are set aside and clearly marked for car parking without the consent of the Chief Executive Officer or delegate.
- b. Use any park, sports field or reserve at a time when public use of such park, sports field or reserve has been closed at the direction of the Chief Executive Officer or delegate.
- c. Use any sports field or park or reserve for any organised sports or activities, such as weddings, parties and the like, without the consent of the Chief Executive Officer or delegate.
- d. Ride a bike in any park or reserve in a manner that is dangerous or inconsiderate to other persons.
- e. Dispose or place any waste or garden material on any park or reserve, including bush and coastal dune areas.
- f. Construct or place any building or structure of any kind on any park or reserve without first obtaining the appropriate consents.
- g. Play or practice golf on any sports field, park or reserve
- h. Operate or drive a motorised water craft on any water body within any park or reserve, except that any motorized model craft may be operated provided that the water body is not reserved for wildlife.
- i. Land any aircraft, except in an emergency on any park or reserve, without the consent of the Chief Executive Officer or delegate.
- j. Possess any poison or trap used for pest control or set any such poison or trap in a park or reserve without the consent of the Chief Executive Officer or delegate.

**30.3** No person shall:

- a. Lead, ride or drive stock, excluding horses on any park or reserve.
- b. Lead drive or ride any horse on any park or reserve, provided that horses may be permitted on any reserve:
  - (i) where a Reserve Management Plan applies; or
  - (ii) where a defined, direct access route is used and any grassed area is avoided where a beach is being accessed in accordance with clause 28 of this bylaw; or
  - (iii) where that reserve is a road.

**30.4** Notwithstanding clause 30.3b, horses may be prohibited from any beach or adjacent reserve, including any access way, where in the opinion of the Council, damage has been caused to that reserve or dune or access way to the beach by the use of horses.

**30.5** Council may by resolution add, delete or otherwise alter the schedule of beaches or adjacent reserves detailed in clause 30.4.

### 31 Removal of Material from Beaches

No person shall, except with the prior consent of the Chief Executive Officer or delegate:

- a. Remove any stone, shingle, sand, boulders, silt, mud or other material from any beach; or
- b. Interfere with or remove any portion of a fascine or groyne erected for the control of sand

### 32 Activities in the Central Business District and Town Basin

**32.1** Subject to the following, Busking is permitted in the Central Business District and Town Basin as defined in Appendix II;

- a. For a maximum of one hour per day up to a total of three hours per week; and
- b. No person shall use an amplifier or loud hailer while busking in accordance with this clause.

**32.2** Other than in accordance with clause 32.1, no person shall, without the written consent of the Chief Executive Officer or delegate, in any public place in the central business district or Town Basin as defined in Appendix II:

- a. Set up or operate any stall or entertainment;
- b. Perform any concert, musical or sporting event;
- c. Use any amplifier or loud hailer;
- d. Cook or offer food for sale;
- e. Sell or expose for sale any goods, food, raffles or advertise any business;
- f. Perform any entertainment or play any musical instrument
- g. Set up or display any banner across the Cameron Street Mall or across any road.
- h. Conduct or hold any meeting, rally or other event
- i. Solicit any donation
- j. Drive or park any vehicle on any mall, pavement or footpath.

**32.3** Any consent given by the Chief Executive Officer or delegate may be withdrawn without prior notice at any time.

### **33 Control of Skateboards, Roller Skates and Bikes**

**33.1** No person shall use any roller skate, scooter or skateboard in any public place within the areas detailed in Appendix III provided always that the use of any wheelchair, pushchair, perambulator, trolley, cart or other transportation of disabled persons, young children, elderly persons or their personal effects shall not be a breach of this clause.

**33.2** No person shall ride a bike on the footpath or in any mall within the areas detailed in Appendix III.

**33.3** No person shall use any bike, roller-skate, scooter, mobility device or skateboard in any public place so as to cause damage to any property or person or in a manner which is without reasonable consideration for other persons using any public place.

### **34 Removal of works in breach of bylaw**

Council may:

- a. Remove or alter any work or thing that is, or has been, constructed in breach of this bylaw
- b. Recover the costs of removal or alteration from the person who committed the breach.

### **35 Seizure**

#### **Seizure of property not on private land**

Council has powers of seizure of property not on private land under the Local Government Act 2002.

An enforcement officer may seize and impound property in a public place if:

- a. The property is materially involved in a breach of this bylaw, and
- b. It is reasonable in the circumstances to seize and impound the property, and
- c. Before seizing and impounding the enforcement officer-
  - i. directed the person committing the offence to stop committing the offence
  - ii. has advised the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property, and
  - iii. provided the person with a reasonable opportunity to stop committing the offence.
- d. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with clause 35c.

### **36 Chief Executive Officer or delegate consent**

In any clause of this bylaw where the consent of the Chief Executive Officer or delegate is required, such consent may include conditions as deemed appropriate.

### **37 Amendment by resolution**

Council may by resolution publicly notified amend any area relating to clauses 32 and 33 of this bylaw as depicted in the appendices to this bylaw.



## **38 Offences**

**38.1** Every person who breaches a bylaw made under this bylaw commits an offence.

## **Appendix I - Horses on the beach and adjacent reserves**

### **Schedule i**

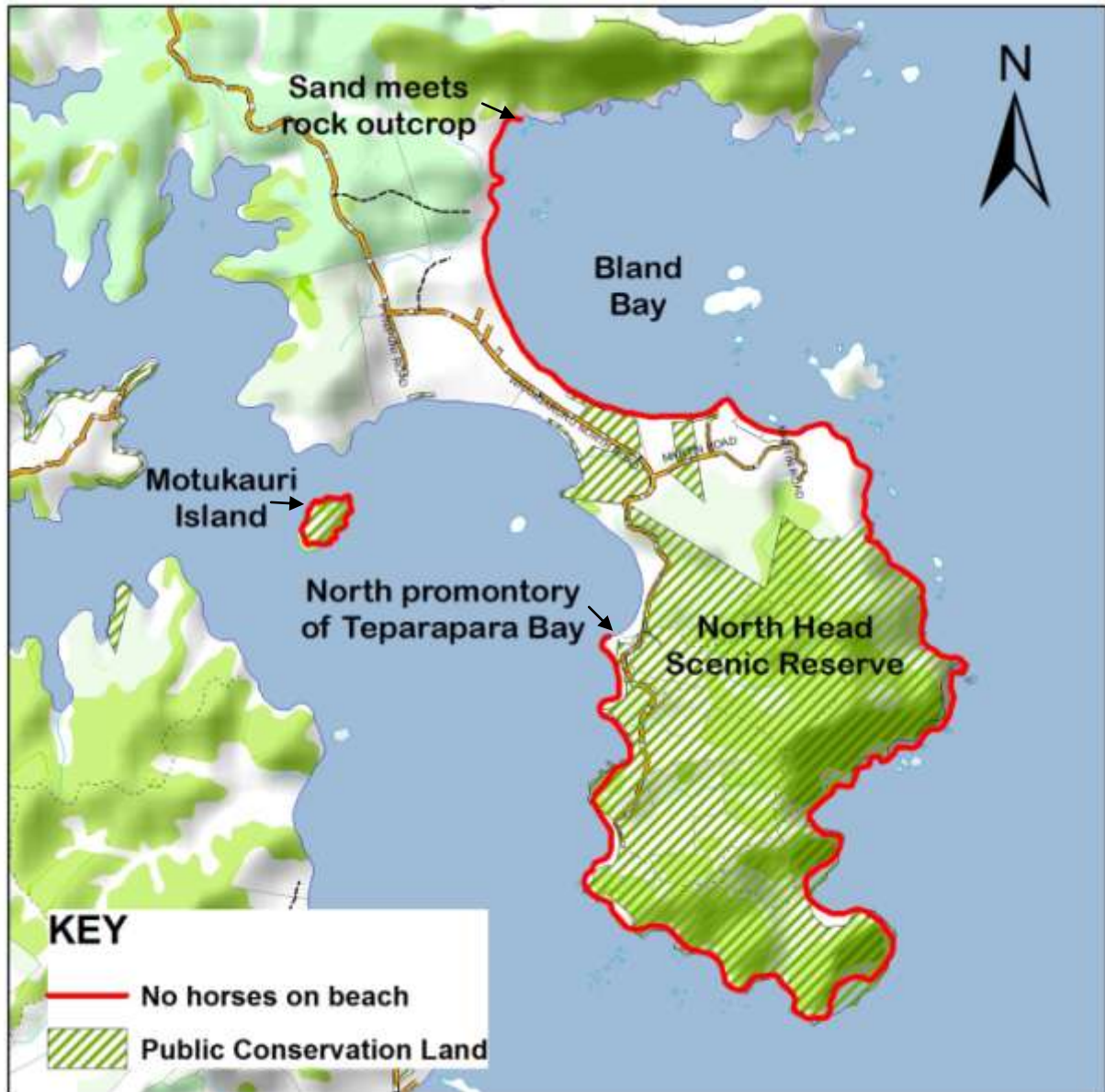
#### **Horse ban areas**

**Beaches and adjacent reserves where horses are banned (clause 28.4 and 30.3)**

## Schedule ii

## Conservation areas from which horses are banned

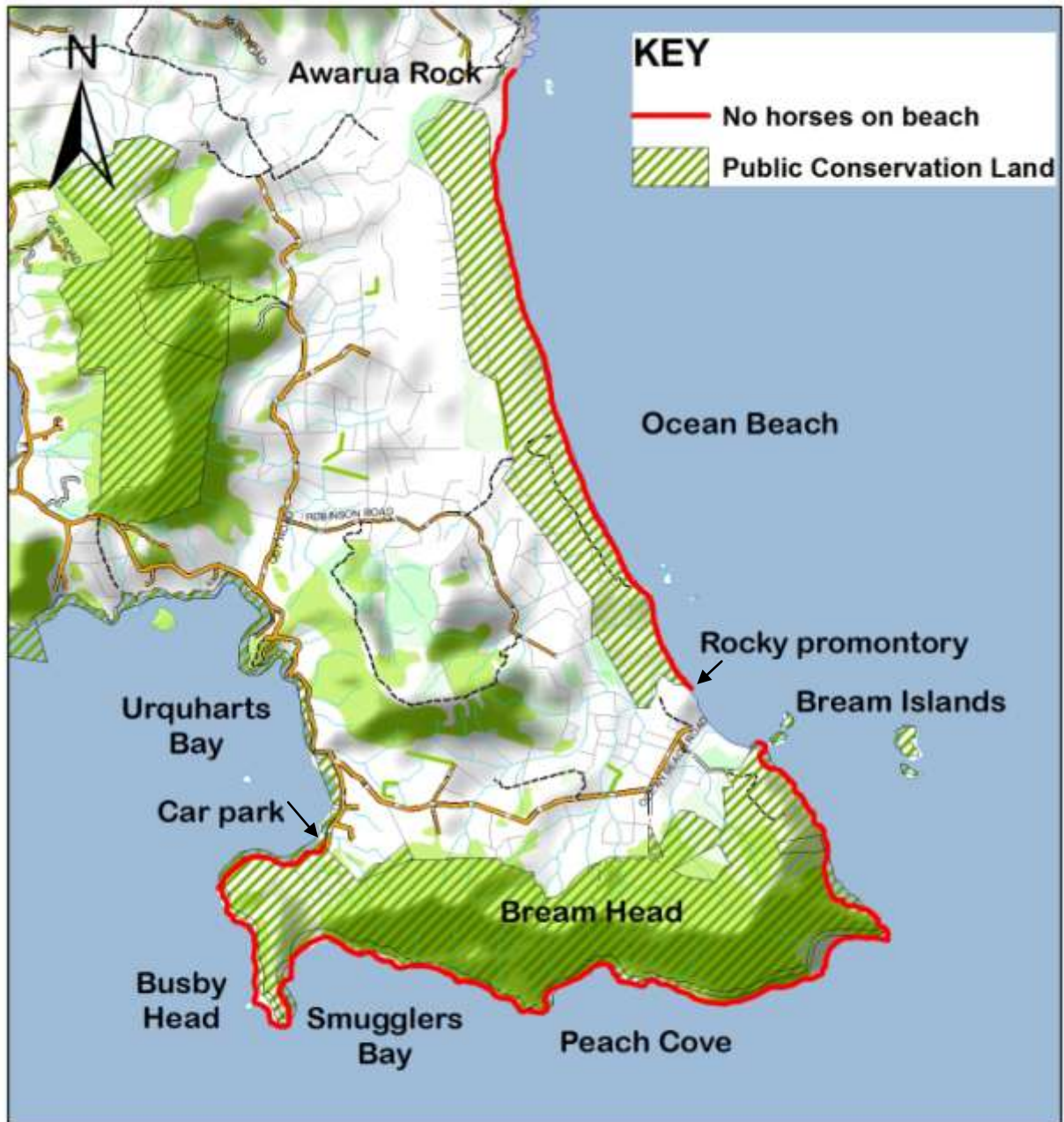
## Bland Bay/Teparapara



From the northern promontory of Teparapara Bay around North Head Scenic Reserve to the northern end of Bland Bay at intersection where the sand meets the rock outcrop. Around Motukauri Island.

## Conservation areas from which horses are banned

### Bream Head/Ocean Beach

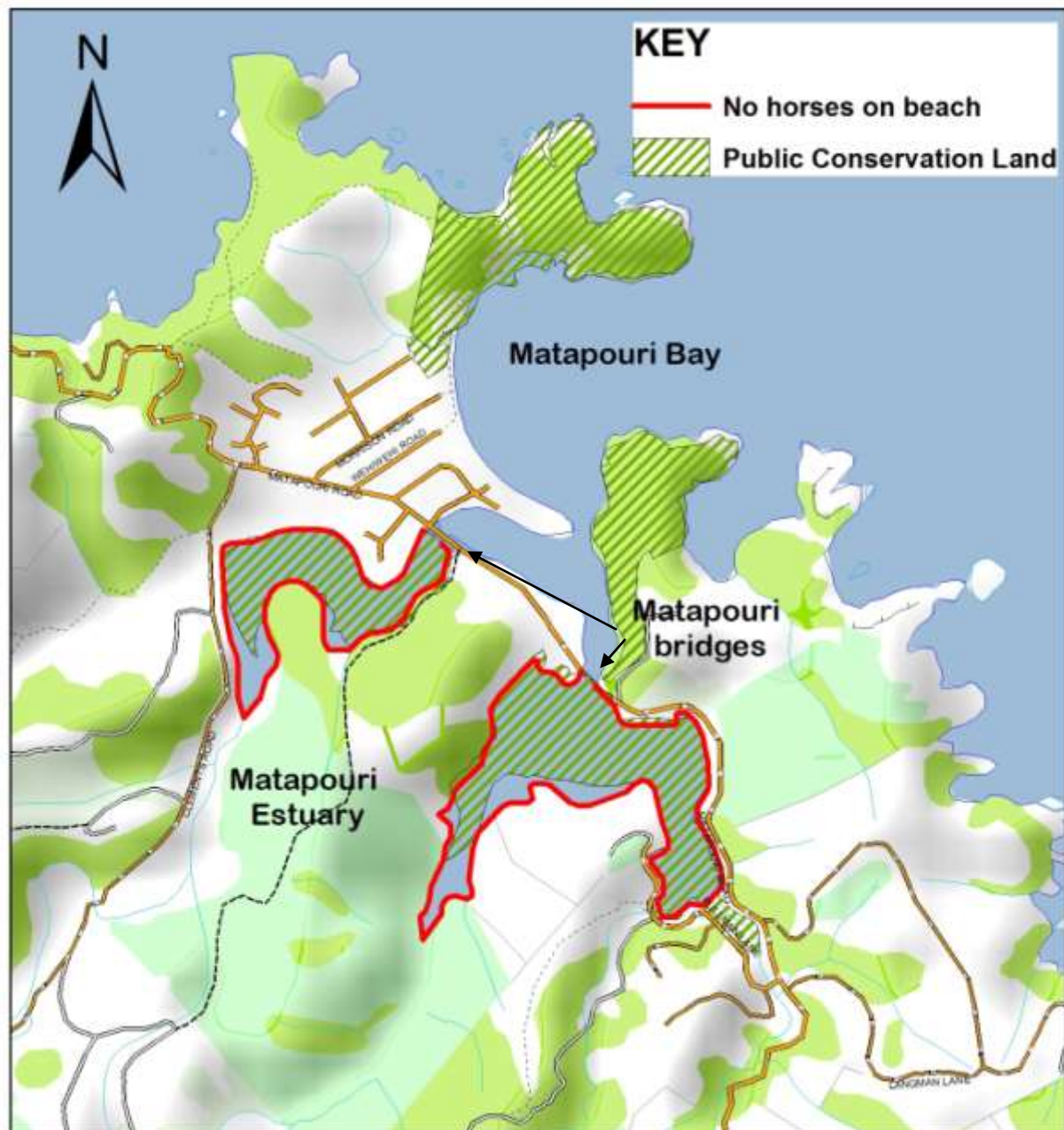


From the Urquharts Bay car park around the Bream Head reserve coast to the southern end of Ocean Beach adjacent to the rocks opposite Bream Islands. From the northern promontory on main use beach to the northern extremities opposite Awaroa rock.



## Conservation areas from which horses are banned

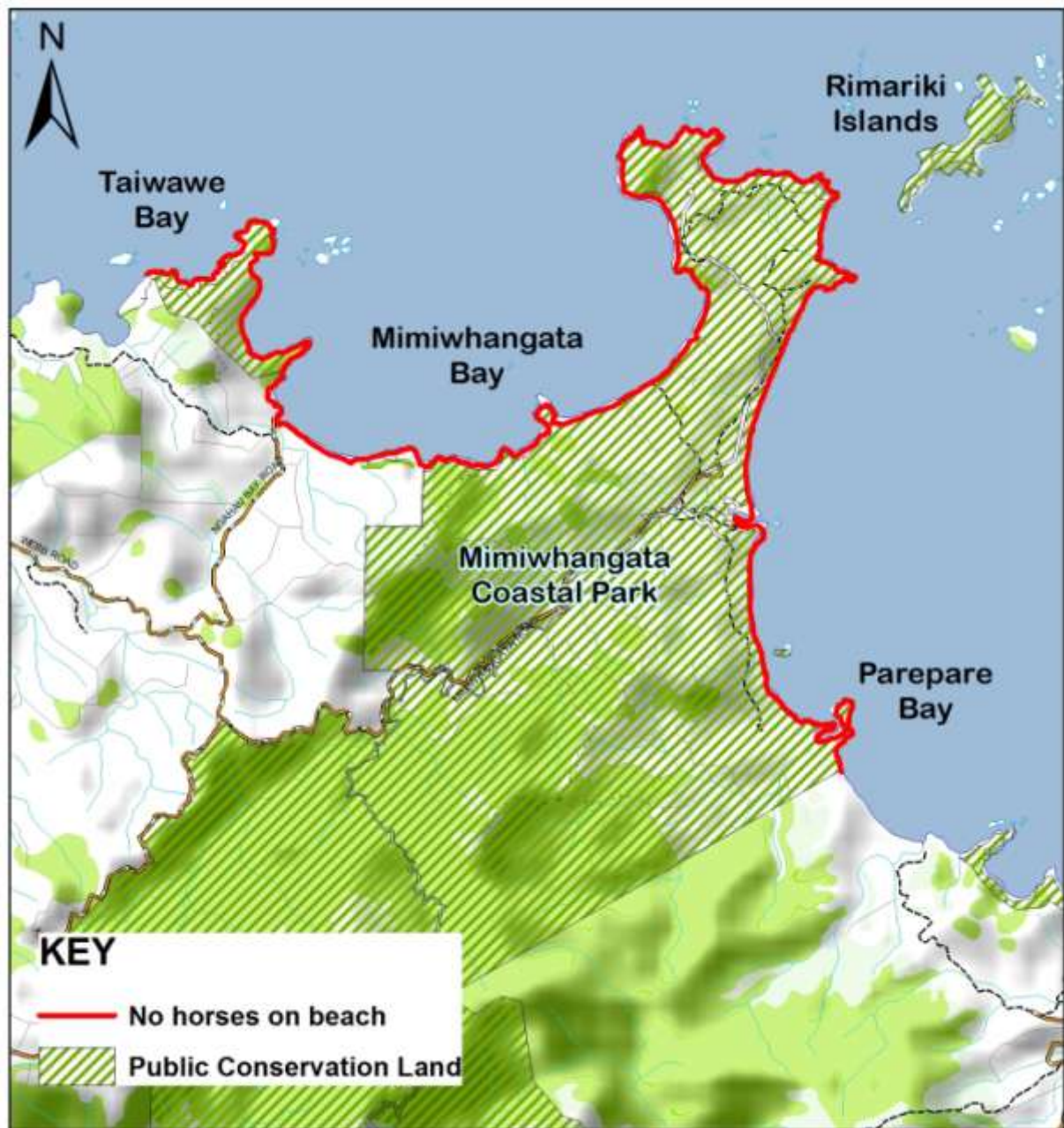
### Matapouri



All estuarine areas upstream of both Matapouri bridges (*western side of the road*).

## Conservation areas from which horses are banned

### Mimiwhangata Coastal Park

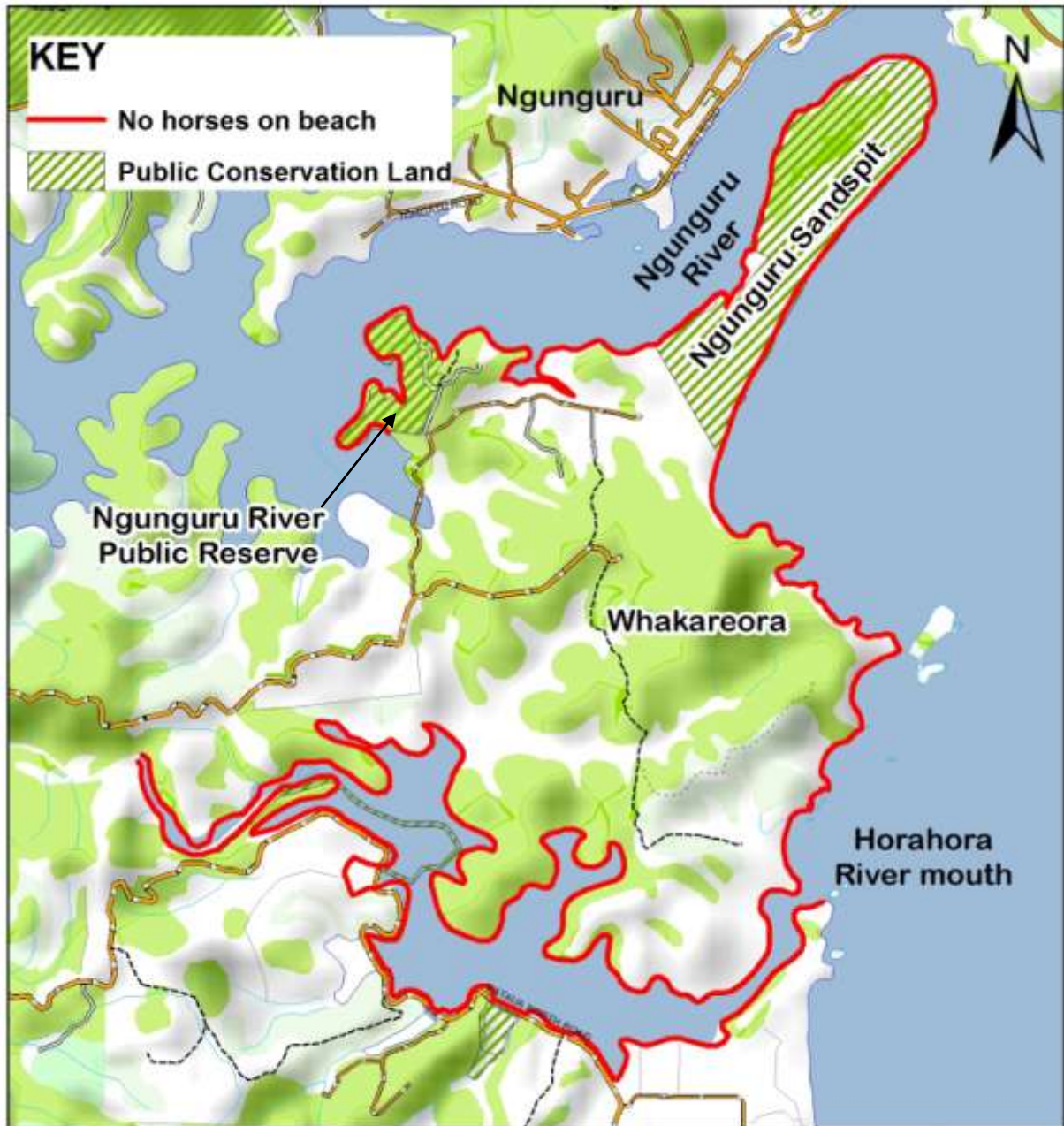


From Taiwawe Bay to Pareparea Bay. Around Rimiriki and Wide Berth Islands.



## Conservation areas from which horses are banned

### Ngunguru/Horahora



From the sign and post at the western edge of Ngunguru River Public Reserve on the south side of the Ngunguru river/estuary, around the peninsular to the southern side of the Horahora River mouth, including the Horahora River estuary

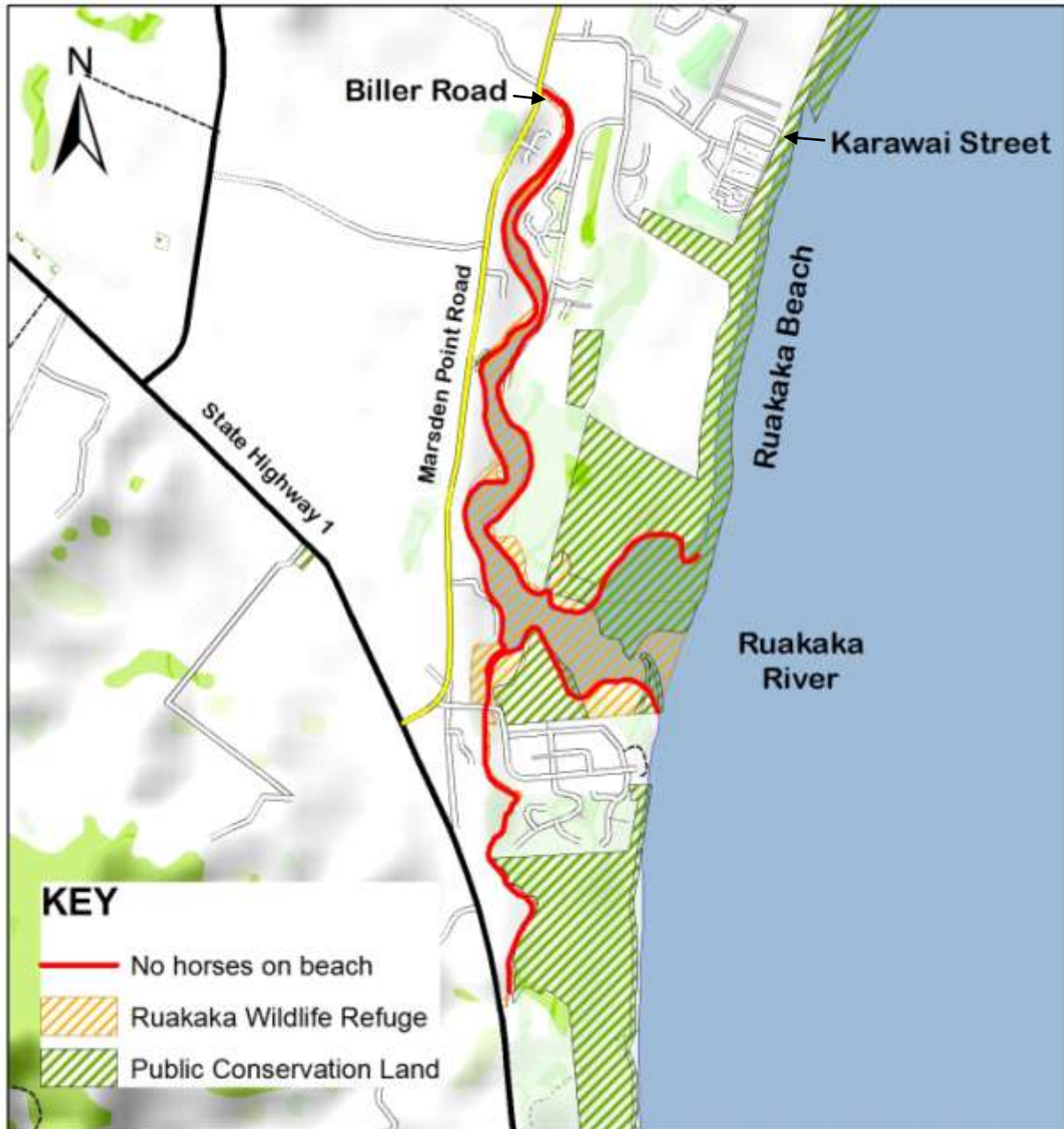
## Conservation areas from which horses are banned

### One Tree Point



From the edge of the Marsden Point Oil Refinery, along Marsden Bay, past the Marsden Cove Marina to the end of the beach

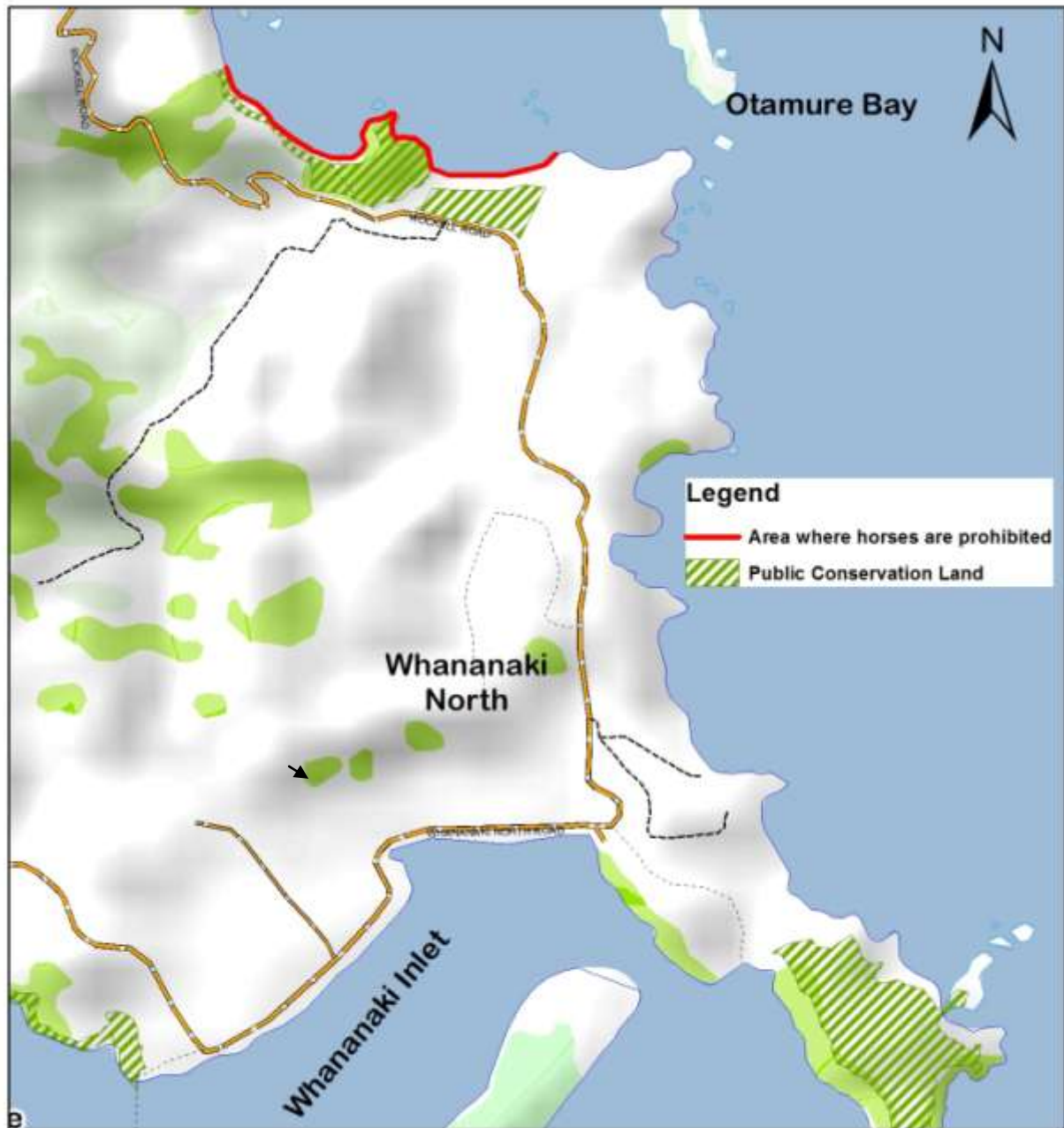


**Conservation areas from which horses are banned****Ruakaka**

From the Ruakaka estuary mouth up to Biller Road and where the estuary intersects with State Highway 1. Includes shaded water areas.

**Conservation areas from which horses are banned****Waipu**

From the Tip Road beach entrance south to the northern end of Camp Waipu Cove, back around the western side of the Waipu Wildlife Refuge to the northern side of the Waipu River mouth. Includes the shaded water areas.

**Conservation areas from which horses are banned****Whananaki**

The beach at Otamure Bay.



### Schedule iii

### Safe zones

#### Ruakaka safe zone



The Safe Zone at Ruakaka will comprise the beach as represented on the above diagram between Points A and B.

The northern limit of the Safe Zone is a line perpendicular to the ocean which intersects point A on the above diagram at the south bank of the Ruakaka River inlet. Point A is located approximately 600 metres north of the Ruakaka Surf Life Saving Club. Point A will be marked with a sign.

The southern limit of the Safe Zone is a line perpendicular to the ocean which intersects Point B on the above diagram which is a point approximately 215 metres south of the Ruakaka Surf Life Saving Club. Point B will be marked with a sign.

## Appendix I

## Schedule iv

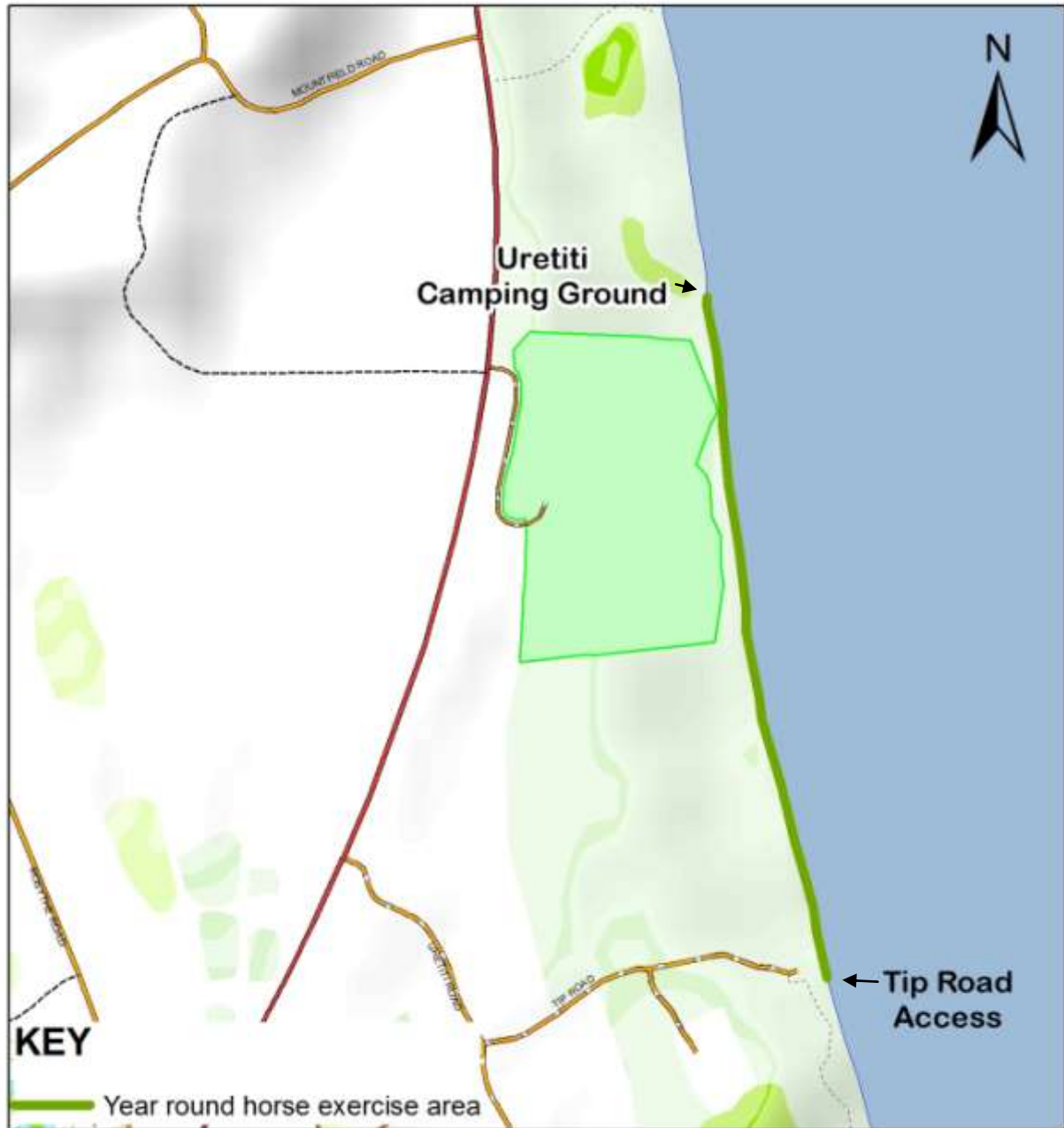
## Year round horse riding areas

## North Ruakaka year round horse riding beach area



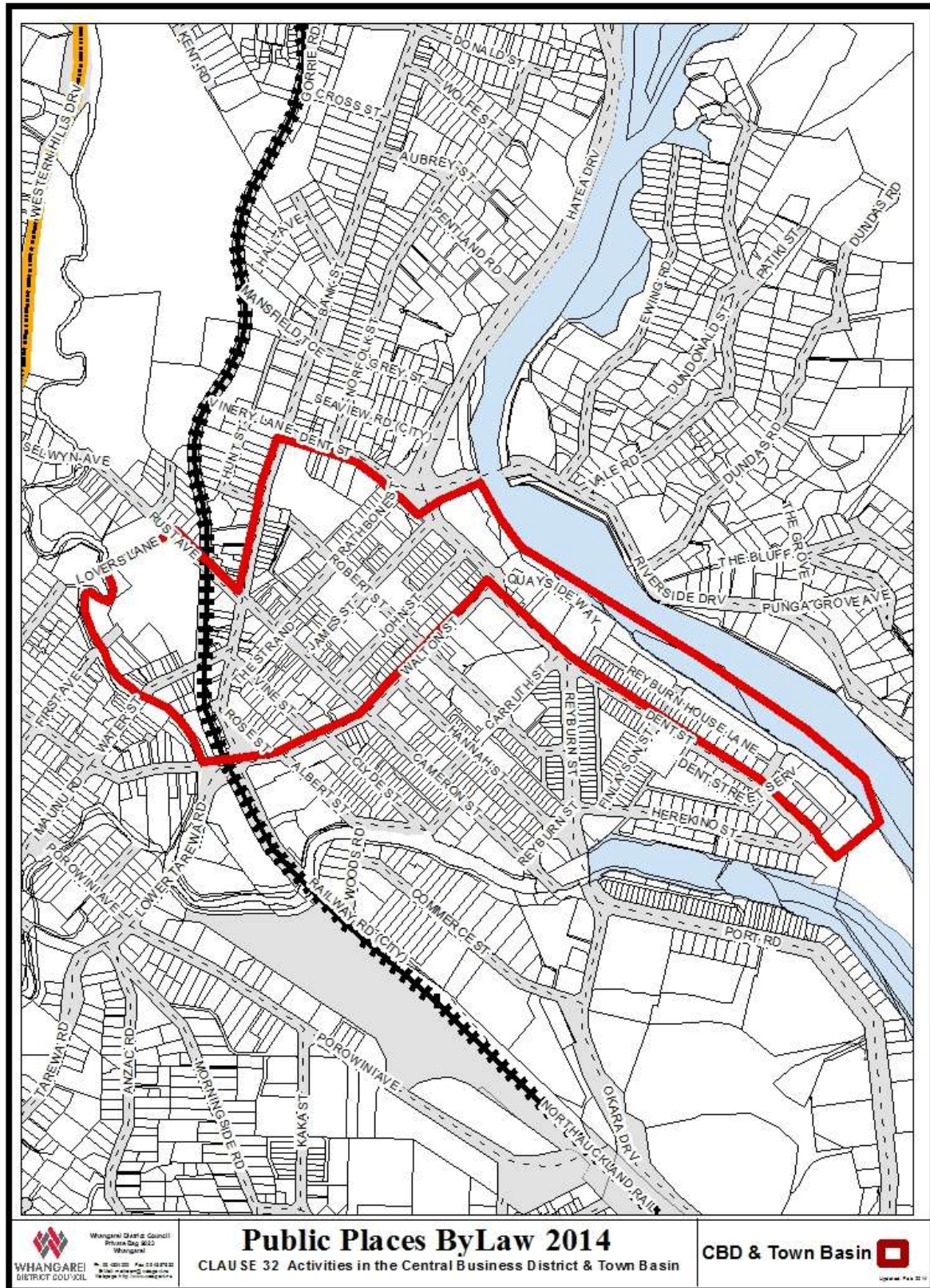
Year round horse riding areas

Uretiti year round horse riding beach area





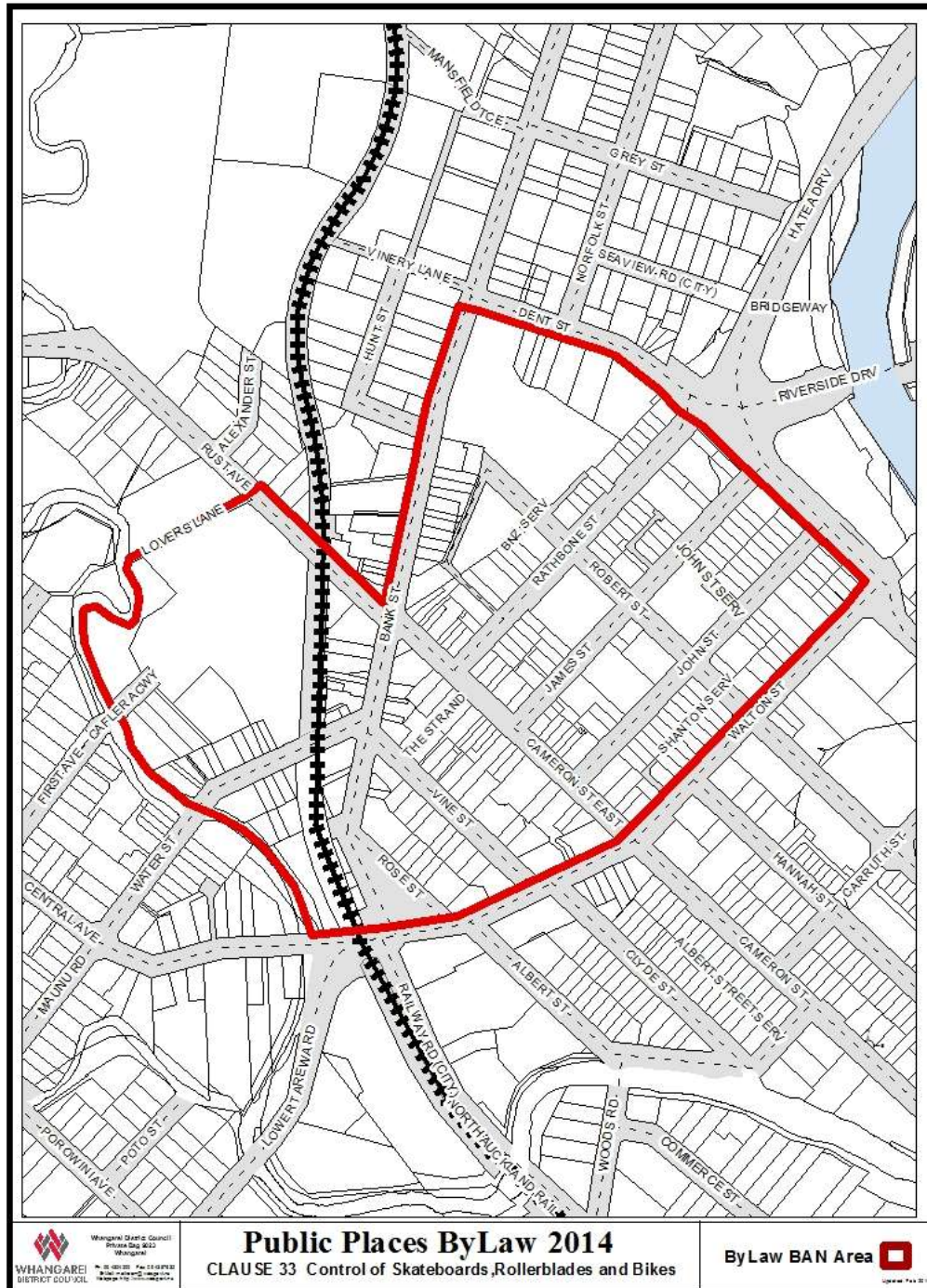
## Appendix II – Activities in the Central Business District and Town Basin





## Appendix III – Control of Skateboards, Rollerblades and Bikes

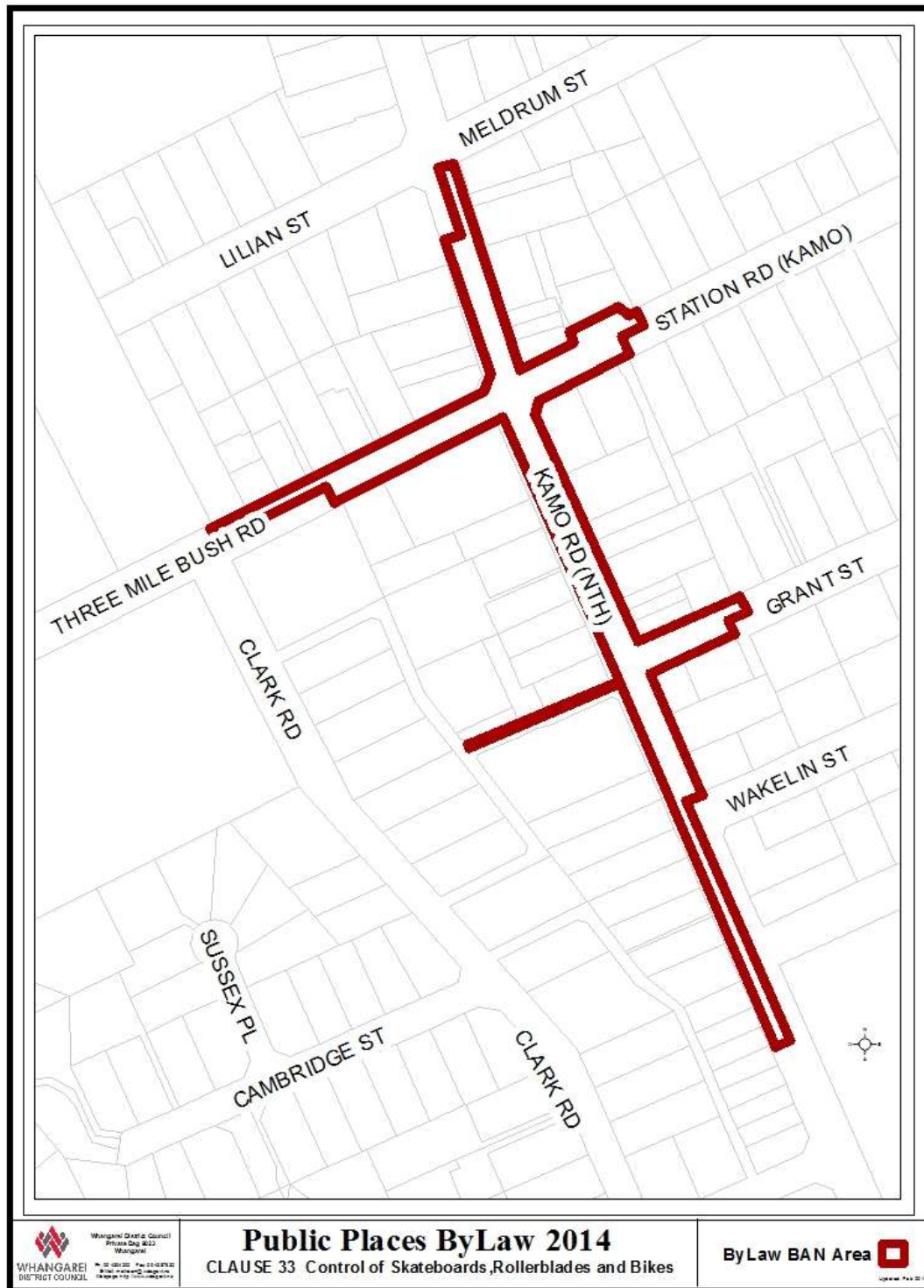
### Schedule i Central Business District rollerskate, skateboard, rollerblade and bike ban area



Note that the ban on riding bikes in this area applies only to footpaths and any mall.



## Schedule ii Kamo rollerskate, skateboard, rollerblade and bike ban area



Note that the ban on riding bikes in this area applies only to footpaths and any mall.



# **Hawkers, Mobile Shops Stands and Stalls Bylaw**

**2005**

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Whangarei District Council hereby makes this bylaw pursuant to the powers contained in the Local Government Act 2002.

This bylaw authorises the issue of licenses to hawkers and the operators of mobile or travelling shops and stands and stalls, and governs their activities.

## 1 Short title and commencement

This bylaw may be cited as The Whangarei District Hawkers, Mobile Shops, Stands and Stalls Bylaw 2005. This bylaw comes into force on the 14<sup>th</sup> day of December 2005.

## 2 Interpretation

### Definitions of terms

In this bylaw, unless the context otherwise requires:

**Council and the Council** means Whangarei District Council.

**Enforcement Officer** means an enforcement officer appointed to such office by Council pursuant to S.177 of the Local Government Act 2002.

**Chief Executive Officer** means the person appointed as the chief executive of Council or such officer of Council as he/she delegates to act on his/her behalf.

**Hawker** means any person who carries or takes about any goods, wares or merchandise for sale, without being invited to call and not in response to any previous order for such goods; and includes any person who exposes such goods for sale or solicits the custom of any other person.

**Keeper** in relation to any mobile or travelling shop, stand or stall means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop, stand or stall.

**Licence** means a licence issued by Council authorising the licensee to conduct any business as a hawker or as a keeper of a mobile or travelling shop, stand or stall.

**Licensee** means the holder of any licence issued under this Bylaw.

### Mobile or travelling shop, stand or stall

means a vehicle or stand or stall whether self-propelled or not, from which goods, wares or merchandise are offered or exposed for sale in the road or a public place or from which goods, wares or merchandise may be ordered in the road or a public place (*whether or not in pursuance of any invitation to call with the goods, wares or merchandise*) or from which services are offered for sale in the road or a public place and includes any vehicle on or from which food is sold for consumption in or at the vehicle, but does not include any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of the goods, wares or merchandise

**Motor vehicle** shall have the meaning given to it in Section 2 of the Land Transport Act 1998.

**Public place** a means a place

- i that is under the control of Council; and
- ii that is open to, or being used by, the public, whether or not there is a charge for admission; and

b includes

- i a road whether or not the road is under the control of Council; and
- ii any part of a public place.

**Road** means a road as defined in S.316 of the Local Government Act 1974.

### **3 Licence required**

#### **Must hold a current licence**

- a No person acting on his or her own account or, as agent or servant of another person, shall carry on business as a hawker or as a keeper of a mobile or travelling shop, stand or stall without holding a current licence to do so provided always this shall not apply to the owner of a fishing boat registered under the Fisheries Act 1996 in respect of which a permit under that Act is for the time being in force, where he or she, or a person appointed by him or her in that behalf, sells fresh fish or fresh shellfish (*being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit*) from that boat at the place where it is moored, berthed, or beached, or from a stall (*including a vessel used as a stall*) within 450 metres of that place.
- b No person shall, without holding a current licence stand in or occupy any portion of any road or any public place with, or place or maintain on any portion of any road or public place, any mobile travelling shop, stand or stall.

### **4 Issue of licence**

#### **Licence restrictions**

- a The Chief Executive Officer may at his/her discretion issue a licence to any person upon written application being made by that person in the prescribed form and upon payment of such fee(s) as Council may from time to time determine authorising such person to whom that licence is issued to conduct business as a hawker or as a keeper of a mobile or travelling shop, stand or stall.

#### **Licence not transferable**

- b No licence shall be capable of being transferred by the licensee to any other person.

#### **Licence for perishable food**

- c Where application is made for a licence which relates to the sale of perishable food, the Chief Executive Officer shall not issue a licence until the Chief Executive Officer is satisfied that the applicant's mobile or travelling shop, stand or stall meets the requirements of the Health Act 1956 and any Regulations made under that Act.
- d Any licence issued may be issued subject to such conditions as the Chief Executive Officer considers appropriate.

#### **Revocation**

- e Any licence issued may be revoked at any time by the Chief Executive Officer if revocation is deemed to be appropriate.

### **5 Licence to be carried or visible**

#### **Licence must be visible and current at all times**

- a Every licensee hawker shall carry his or her licence with him or her at all times and shall on demand produce it to any enforcement officer of Council
- b Every licensee keeper of a mobile or travelling shop, stand or stall shall have his or her current licence prominently displayed in or on some part of the vehicle at all times while it is being used for trading.

### **6 Trading in certain streets, areas or in certain goods may be prohibited**

#### **6.1 Council may from time to time by resolution**

- a Prohibit any licensee from carrying on business in any specified road or public place or part thereof, or any locality or part thereof.
- b Prescribe the hours of the day and days of the week during or on which sales may not be made by any licensee.
- c Restrict the types or classes of goods that may be offered for sale by any licensee.

- d Exempt or waive any prohibition, prescription or restriction otherwise imposed pursuant to this provision of this bylaw.

#### **Restrictions in certain areas**

- 6.2 Every licensee shall comply with any prohibition, prescription or restriction made under subclause (-1) hereof notwithstanding that such prohibition, prescription or restriction may be given after the issue of his or her licence.

## **7 Conditions to be implied in every licence**

### **Conditions in every licence**

#### **7.1 The following conditions shall be implied in every licence issued under this bylaw**

##### **Sounds**

- a Musical chimes or other audible devices for attracting customers to a mobile or travelling shop stand or stall shall not be operated within 300 metres of any public or private hospital and elsewhere must be operated only in a reasonably modulated manner.

##### **Place**

- b No vehicle used by a licensee in the course of trading shall be stopped for the purpose of carrying on business within 50 metres of any intersection or in any part of a roadway so close to any corner, bend, rise or pedestrian crossing as to expose any person to danger from moving traffic.

##### **Compliance with Enforcement Officer**

- c Every licensee shall comply with any instructions given by an enforcement officer in the interests of public safety as to the placing or moving of his or her motor vehicle, mobile or travelling shop, stand or stall or other means of conveying or carrying his or her goods.

##### **Distance from any shops**

- d No licensee shall carry on his or her business or stop any vehicle used by him or her in the course of trading, for the purpose of carrying on or soliciting any business, within 300 metres of any shop (*including any other mobile or travelling shop*) then lawfully open for the sale of similar goods.

##### **Time**

- e No licensee or keeper of a mobile or travelling shop stand or stall shall station his or her motor vehicle stand or stall or other means of carrying or conveying his or her goods in one place in any road or public place for longer than is reasonably required for the transaction of business with customers in the vicinity.

##### **Standard**

- f Every motor vehicle or other means of conveying or carrying the goods of any licensee shall at all times when in use by the licensee be maintained to the same standard as is required by Clause 4(c) of this bylaw.

##### **Night operations**

- g Except with the written consent of the Chief Executive Officer, no licensee shall carry on business during the hours of darkness as defined by the Traffic Regulations 1976.

##### **Stand/stall maintenance**

- h All mobile or travelling shop, stand or stall holders, shall ensure that the area surrounding the stall, shall be kept clean and clear of any litter, to at least a 10 metre radius around their shop, stand or stall.

##### **Trading beside or near State Highways**

- 7.2 No licensee shall carry on, permit or suffer to be carried on any trade or business on, beside or near any State Highway in the District administered by Council unless prior consent for the carrying of such trade or business has been given by Transit New Zealand, and such use shall be in accordance with any conditions required by Transit New Zealand.

## **8 Fees**

### **Fees**

- a Every applicant for a licence under this bylaw shall, when lodging his application, pay Council such licence fee or fees as may from time to time be prescribed by Council by resolution.
- b In any case in which no licence is issued pursuant to an application so made as aforesaid the amount of the fee accompanying the application shall be refunded to the applicant.

## **9 Removal of Works in Breach of Bylaw**

### **9.1 Council may:**

#### **Breach of Bylaw**

- a remove or alter any work or thing that is, or has been, constructed in breach of this bylaw
- b recover the costs of any such removal or alteration from the person who committed the breach.

## **10 Seizure of Property**

10.1 An enforcement officer may seize and impound property in a public place if

- a The property is materially involved in a breach of this bylaw; and

#### **Property seizure**

- b it is reasonable in the circumstances to seize and impound the property; and
- c before seizing and impounding the enforcement officer
  - i directed the person committing the offence to stop committing the offence;
  - ii has advised the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property; and
  - iii provided the person with a reasonable opportunity to stop committing the offence.

## **11 Offences**

### **Offences**

Every person who breaches this bylaw commits an offence.





## Hawkers, Mobile Shops, Stands and Stalls Bylaw Second Schedule - (Form 1)

Number \_\_\_\_\_ Council

Part \_\_\_\_\_ of the \_\_\_\_\_ Council bylaw number \_\_\_\_\_ 20

### Application for vehicle licence (animal-power)

To Chief Executive Officer  
Whangarei District Council

I (Full name) \_\_\_\_\_

Of (Private/business address) \_\_\_\_\_

hereby make application for a vehicle licence under the abovementioned bylaw in respect of the under-mentioned vehicle

Description of vehicle \_\_\_\_\_

Maximum load for which licence required \_\_\_\_\_

Purpose for which vehicle is to be used \_\_\_\_\_

Tare weight of vehicle \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 201 \_\_\_\_\_

\_\_\_\_\_  
(Signature of owner or duly authorised agent)



## Hawkers, Mobile Shops, Stands and Stalls Bylaw Second Schedule - (Form 2)

Application no \_\_\_\_\_ Licence no \_\_\_\_\_  
Bylaw no \_\_\_\_\_

### Vehicle licence (animal-power)

**Whangarei District Council** doth hereby license the vehicle, particulars whereof are set out hereunder, as a licensed vehicle. This licence shall remain in force, subject to the provisions of the said Bylaw no \_\_\_\_\_ until the 31<sup>st</sup> day of March

\_\_\_\_\_ and no longer

The said Council hereby fixes the licence number of the said vehicle as No \_\_\_\_\_ and the maximum load to be carried on the said vehicle as \_\_\_\_\_

Particulars of vehicle \_\_\_\_\_

Owner of vehicle \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 201 \_\_\_\_\_

\_\_\_\_\_  
(Signature of owner or duly authorised agent)



## Inspector's certificate before issue of vehicle licence

I **hereby** certify that I have inspected the above vehicle, which is in my opinion safe, and in good repair,  
and that it should be licensed to carry \_\_\_\_\_ (tonnes)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 201 \_\_\_\_\_

\_\_\_\_\_  
(Signature of owner or duly authorised agent)



## 2.2 Class 4 Gambling and Board Venue Policies review

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 February 2019  
**Reporting officer:** Shireen Munday – Strategic Planner

### 1 Purpose

To obtain direction from Council on the development of draft policies for consultation.

### 2 Background

Council's two gambling harm related policies (the Policies) are overdue for review, as required by the Gambling Act 2003 and the Racing Act 2003. Since the last review, some legislative changes have been made that impact on the review process and in addition, the sole 'stand-alone' TAB outlet in the District has closed.

Both policies are technically very limited in scope. For the Board Venue Policy (BVP), the only compulsory component of the Policy is to determine whether new stand-alone TAB outlets should be permitted in the District and if yes, how many? Council can also choose to determine where new or relocated venues can be located, if these are permitted.

The same applies to the Class 4 Gambling Venue Policy (C4P), which covers 'pokies', however the consideration of a relocation policy is now a compulsory part of this review process, because of the 2013 changes to the Gambling Act 2003.

There are a small number of additional matters that Council could choose to consider for inclusion in the C4P also.

At the 15 November 2018 Planning and Development Scoping Meeting, Councillors were provided with an overview of the matters that can be addressed within the C4P and a presentation on the review process for both Policies (attachment 1). Staff are now seeking more specific direction from Council on confirming they wish to proceed with the process to amend the Policies and what the draft content for each, for community consultation, should be.

### 3 Discussion

#### 3.1 Legislative environment

Both Policies are required to be reviewed every three years. Each review requires a determination as to whether the Policy should continue in its current form, or whether it should be amended, after community consultation. There is no requirement to consult with the community, if, through the review, Council determines to retain the Policies in their existing format.



Staff have advised previously that the C4P must be amended because of legislative changes. Staff have also reported that the single TAB Board Venue in the District closed in 2018, and that therefore an amendment to the BVP should be considered.

### 3.2 Considerations

Unlike other statutory policies, the relevant legislation provides only a limited framework of matters Council must consider in reviewing and developing gambling harm related policies. In summary, these are:

- Councils **must** have regard to the social impact of gambling
- Councils may consider a range of other matters in their policies:
  - The characteristics of the District
  - proximity to education facilities, places of worship, community facilities
  - cumulative effects of additional gambling opportunities

If Council wishes to consider a relocation policy as part of the C4P, it now **must** consider the social impact of gambling in high deprivation areas, this is discussed in the relevant section of this report.

### 3.3 Social impact of gambling

A report on the social impact of gambling (SIG) in the Whangarei District is attached (Attachment 2) and references to the content of the report are made throughout the remainder of this report where appropriate.

### 3.4 National context

The Department of Internal Affairs commenced a review of class 4 gambling in 2015, which subsequently sought submissions from the sector in June 2016. It is not clear what the status of this review is. In August 2016, Auckland Council provided a submission to this process, which included advocating for 'a strengthened, but less costly, role for local government in gambling venue licensing'.

In October 2018, Local Government New Zealand's submission on the 'Strategy to Prevent and Minimise Gambling Harm 2019/20-2021/22' asserted that 'the policies lack the teeth to meet community expectations; a problem with the scope of the powers delegated under the Gambling Act 2003.'

In late October 2018, the president of Local Government New Zealand, Dave Cull, was reported in the media conveying a similar message.

Staff have been unable to establish whether the New Zealand Government is planning on taking any further actions in relation to the above matters.

### 3.5 Proposed changes for consideration

Staff have considered the matters raised in the SIG and based on this, together with a review of the 'technical' content of the current Policies, re-drafted these (attachments 3 and 5) to support the discussion. These drafts show, where appropriate, different options for a final draft policy content.

In preparing these drafts, staff have not analysed or discussed the option(s) of making any of the policy components more permissive than they currently are.

However, Council is not restricted in proposing such policies, should they wish to consider this within the overall framework of matters that need to be considered.

The key changes and/or options for each draft and the rationale for each are summarised as follows.

### **Board Venue Policy**

As has been previously outlined, the BVP can only apply to stand-alone TAB outlets and does not cover PubTab or ClubTab outlets.

Council's current BVP allows for up to two venues to be established in the District and includes a relocation policy with associated criteria and application process.

As is outlined in the SIG, TAB gambling at 'stand-alone' venues only accounts for a small portion of overall TAB gambling and as such the BVP cannot significantly impact on TAB products related gambling harm. Department of Internal Affairs figures show that gambling expenditure nationally on NZ Racing Board (TAB) gambling has increased from \$273 million in 2010/11 to \$338 million in 2016/17.

No data is available at the Whangarei District level to assess the growth of TAB venue gambling at the now closed single stand-alone TAB venue. It is considered that any reduction in gambling at that venue would have been matched or exceeded using other New Zealand Racing Board products, such as on-line and self-service gambling.

While no further research has been undertaken on the closure of the TAB venue on Vine Street, it is presumed that this is a business decision of the NZ Racing Board and relates to a preference to supply TAB gambling products through other means.

Auckland Council's BVP has had a cap of 43 venues across their District since 2012 (as opposed to a sinking lid policy). It is noted that there has been a decrease from 42 venues in 2012 to 34 in 2017, with an associated increase in the other types of TAB products.

The key points of the revised draft policy are:

- removal of matters not required to be included in the Policy
- revised objectives (purpose) of the policy
- retain the existing cap *or* reduce the cap to 1 venue, *or* have a sinking lid policy that no new venues are allowed (effectively removing the ability to have TAB stand-alone venues in the District)
- if a cap is to be retained, to either remove the relocation policy, or to include a more clearly defined relocation policy that is restricted to where a relocation is required due to matters outside of the TAB's control
- If a relocation policy is to be retained, removal of the requirement to consult where a new or relocated venue is to be established.

Attachment 4 provides the current policy wording, together with staff comments and analysis. This should be read in conjunction with Attachment 3, which provides a revised draft Policy together with specific options for discussion.

## Class 4 Gambling Venue Policy

The item presented to the November Planning and Development Scoping Meeting included an overview and analysis of the matter Council must determine in its C4P, in addition to the four further matter Council can choose to address. This is provided in Attachment 1.

The table below summaries these five matters:

Matter	Options	Current policy	Comment
Whether or not venues may be established	1. Unlimited (no cap) 2. Cap (current number or more) 3. 'Sinking lid'	3	Matter compulsory
relocation policy	1. unlimited relocation 2. limited relocation 3. no relocation	2	Must now take into consideration the 'social impact of gambling in high deprivation areas'
additional gaming machines at club venues	1. additional machines allowed (up to 18) 2. less than maximum numbers allowed	1	Subject to application to Minister.  Very infrequent
restricted numbers due to merger	1. no restrictions 2. restrictions	1	Subject to application to Minister.  Very infrequent
Location of relocated venues	1. no restrictions 2. restrictions	2	currently only applies to relocations (sinking lid). Limited to Whangarei District Plan Business 1,2 and 4 environments.

The attached SIG outlines the key issues around the benefits of gambling as well as the harm. The report shows however that the financial benefits of class 4 related gambling are not necessarily funnelled back into the communities of the Whangarei District.

Regarding the consideration of a relocation policy in relation to the social impact of gambling in high deprivation areas, the report outlines that this is not necessarily a clearly linked issue. Further the maps of the report also show that the existing venues are primarily concentrated in the CBD and central urban areas of the District, which are likely to have the highest rate of non-residential properties.

The key points of the revised draft policy are:

- removal of matters not required to be included in the Policy
- revised objectives (purpose) of the policy
- retention of the sinking lid policy
- a more defined relocation policy that is restricted to where a relocation is required due to matters outside of the venue operators control
- removal of the requirement to consult where a relocated venue is to be established (in conjunction with the more restrictive policy relocation policy).
- no consent for increases in machines relating to an application under section 96(2) of the Act
- a reduction in total numbers of gaming machines where two or more clubs merge.

Attachment 6 provides the current policy wording, together with staff comments and analysis. This should be read in conjunction with Attachment 5, which provides a revised draft policy together with specific options for discussion.

Staff are now seeking direction from councillors on the matters above to develop final draft Policies to be presented to Council to be adopted as part of a Statement of Proposal for consultation.

A presentation will be provided at the briefing to support the discussion.

## **4 Attachments**

1. November 2018 Planning and Development Scoping Meeting item
2. Social Impact Report
3. Draft Board Venue Policy
4. Current Board Venue Policy analysis
5. Draft Class 4 Venue Policy
6. Current Class 4 Gambling Venue analysis





# Scoping Meeting

## Gambling Policies Review

**Reporting officer:** Shireen Munday (Strategic Planner)

**Date of meeting:** 15 November 2018

### 1 Purpose

To provide an overview of the matters Council can address in reviewing the Class 4 Gambling Venue and the Board Venue Policies.

### 2 Discussion

Council's two gambling harm related policies are overdue for review. Since the last review, some legislative changes have been made that impact on the review process and in addition, the sole TAB outlet in the District has closed down.

Both policies are technically very limited in scope. For the Board Venue Policy, the only compulsory component of the Policy is to determine whether new stand-alone TAB outlets should be permitted in the District and if yes, how many. Council can also choose to determine where new or relocated venues can be located, if these are permitted.

The same applies to the Class 4 Gambling Venue Policy ('pokies'), however the consideration of a relocation policy is now a compulsory part of this review process because of the 2013 changes to the Gambling Act 2003.

There are a small number of additional matters that Council could choose to consider for inclusion in the Policy also. Attachment 1 provides an overview of these matters and highlights Whangarei District Council's current policy approach for each.

Attachment 2 provides the presentation that will support the discussion at the meeting. Staff are seeking some initial feedback from Councillors, before developing more detailed policy analysis and consultation options to be presented to Council in early 2019.

### 3 Attachments

1. Class 4 Gambling Venue Policy matters
2. PowerPoint presentation for Scoping Meeting

# ***Class 4 Gambling Policy Board Venue Policy***

*Statutory Review*



## ***Background***

- Gambling Act 2003 & Racing Act 2003
- Councils must adopt and review policies (every three years):
  - Board Venue Policy
  - Class 4 Venue Policy
- for both:
  - **'must'** have regard to the social impact of gambling'
  - **can** consider a range of other matters (e.g. proximity to early childhood centres, churches, cumulative effects of additional gambling opportunities)
- Overall – Council very limited in its ability to control gambling



### ***Class 4 Venue Policy***

- must also consider a relocation policy as part of any review process after 2013
- if Council wants to include a relocation policy, then must consider the social impact of gambling in high deprivation areas
- only relates to 'pokie machines'



### ***Board Venue Policy***

- Only compulsory component is whether to allow new venues
- Only relates to stand-alone TAB outlets (not PubTab or ClubTab outlets)



## ***Review process***

- Council must review every three years
- Council can retain existing policies if found to be appropriate, no further action required.
- if Council wishes to amend policies, then statutory consultation required
- technical review shows:
  - Class 4 Venue Policy now inconsistent with amended legislation, amendment required
  - current single Board Venue in District now closed
  - wording and approach of both policies unclear and inconsistent
  - difficult to obtain District/type of gambling specific data to support analysis



## ***What to review? - Board Venue Policy***

- Allow new venues or not
  - if new venues are to be allowed:
    - unlimited
    - capped (fixed; current or other limit), capped (flexible)
    - 'sinking lid'
  - if Policy to allow new venues, Council can consider/specify:
    - characteristics of the District
    - The cumulative effects of additional gambling opportunities
    - where new venues may be located
- Current Policy:
- 'capped' – max 2 venues
- voluntary relocation policy (by application)



### ***What to review? – Class 4 Venue Policy***

*Refer to handout:*

1. allow new venues
2. allow additional machines at club venues
3. restrict machines through a merger process
4. allow relocations
5. Where venues may be established (if 1. or 4. allows for this)



### ***Staff recommendations / guidance sought***

- *Class 4 Venue Policy must be amended to accurately reflect amended legislation*
- *Board Venue Policy should be reviewed and possibly amended due to sole TAB outlet closure*
- *both policies should be clarified and simplified as part of review process, e.g*
  - *removal of application process for relocation, clear criteria instead?*
  - *removal of duplication of existing legislative requirements*





## Class 4 Gambling Venue Policy matters

### Overview

At a minimum, a Policy must address the matter in point 1. A policy can also address the matters contained in points 2- 5 and the combined approach of these may have an overall impact on the preferred approach as provided in point 1.

### Policy options

All options illustrated are shown in the order of *most permissive* to *most restrictive*.

#### 1. Whether or not venues may be established (Council cannot reduce the number of operating venues that exist at the time of a policy adoption)

Option	Type of policy approach	Explanation	Current WDC Policy
1a	Allow new venues	Either unlimited, or up to a fixed number (a 'cap'). Can be an identified permanent number (arbitrary or based on one or more identified factors). Or flexible - typically based on population growth (a flexible cap).	
1b	Limit to the current number of venues	Set a cap at the current number of venues, no additional new venues possible.	
1c	No new venues	When venues permanently close, this results in a reduction in venues (and machines) over time. Known as a 'sinking lid'.  <i>The effectiveness of this approach is considerably limited if used in conjunction with a relocation policy (2a/2b)</i>	WDC  But with relocations (see 2. below)

#### Variation of the above policy approach options

1d	Number of venues dependent on the total number of machines.	Specify the total number of machines allowed in the District. The number of venues is the number needed to accommodate that number of machines.  <i>Another method of implementing options 1a or 1b, usually with a cap on the number of machines, adopted by some councils.</i>	
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**2. Whether to include a relocation provision in the policy and if yes, what the provision would allow**

Option	Type of policy approach	Explanation/implications	Current WDC Policy
2a	Unlimited relocation policy	Any existing venue can relocate to a new place, whether voluntarily or due to factors beyond the venue owner's control.  <i>Consistent with a 'cap' policy (1b) or an 'open' policy (1a). Does not achieve the desired outcome of a 'sinking lid' approach (1c).</i>	
2b	Limited relocation policy	Venues can relocate in certain circumstances. Typically, in situations beyond the venue owner's control, e.g. when land is taken under the Public Works Act, or venue is destroyed by natural disaster.  <i>Only consistent with a 'sinking lid' approach (1c) when a venue voluntarily closes or is declined a relocation application, so only provides a weakened 'sinking lid' approach.</i>	WDC  Policy approach is very broad in terms of the reason for the relocation. Requires a public consultation process prior to the application being permitted or declined.
2c	No relocation policy	Venues cannot relocate, regardless of the reasons for any closure.  <i>Strongest form of 'sinking lid' when combined with a policy of no new venues (1c). Less relevant if combined with a 'cap' (1b) policy and irrelevant for an 'open' (1a) policy.</i>	

**3. Allow additional gaming machines at club venues\***

Option	Type of policy approach	Explanation/implications	Current WDC Policy
3a	Additional machines allowed.	Club venues (not commercial venues), can apply to the Minister under S96 of the Act, to have up to a maximum of 18 machines if the policy allows it.  The policy can allow increases up to a lower number than 18.	WDC
3b	No additional gaming machines allowed	Club venues are restricted to the existing number of consented machines. No applications for an increase under S96 are possible.	

*\* Generally, the maximum number of machines permissible per venue, without special application to the Minister, is nine. However, when the Gambling Act 2003 came into force, it contained transitional provisions for venues that were operating with more than nine machines which were permitted under previous legislative provisions. Any such provisions for additional machines remain in force as long as the venue retains their license, and this can include commercial venues as well as club venues.*

**4. Restrictions on the maximum number of machines permitted under an application for a merger of two or more corporate societies (clubs)**

Option	Type of policy approach	Explanation/implications	Current WDC Policy
4a	No restriction	<p>Process is subject to Ministerial discretion. Can be either the combined total of permitted machines at the time of application, or a maximum of 30 machines, whichever is the lesser amount.</p> <p><i>Can result in a reduction of machines when (for instance) two 18-machine venues merge.</i></p>	WDC
4b	Restricted (various ways to apply this)	Policy provides for a reduced number of machines at the new venue from the total combined number of permitted machines at the previous locations.	

**5. Where class 4 venues may be located (only applicable if policy allows for new venues or relocation)**

Option	Type of policy approach	Explanation/implications	Current WDC Policy
5a	No restriction	Venues can be located anywhere in the District, subject to compliance with District Plan requirements.	
5b	Restrictions on location	<p>New or relocated venues can only be established in locations set by the policy.</p> <p><i>The Act provides a suggested list of matters for consideration on this.</i></p>	WDC (relocations only)



## Attachment 2

# 1. Social impacts Report

## Gambling in the Whangarei District

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## Introduction

The Gambling Act 2003 and the Racing Act 2003 requires that every local authority consider the social impacts of gambling in its district when adopting or amending their Class 4 venue policies and Racing Board policies, respectively.

Neither Act clearly specifies what is meant by 'social impact', but they share a common definition of 'harm':

*'harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and includes personal, social, or economic harm suffered: by the person; or by the person's spouse, civil union partner, de facto partner, family, whanau, or wider community; or in the workplace; or by society at large.'*

The purposes of the Gambling Act include:

- preventing and minimising harm from gambling, including problem gambling
- ensuring that money from gambling benefits the community.

The purposes of the Racing Act are:

- to provide effective governance arrangements for the racing industry; and
- to facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
- to promote the long-term viability of New Zealand racing.

This report addresses social impacts in terms of benefits and harms. The positive social impacts of Class 4 gambling are derived from money that benefits the community, while the positive social impacts of sports and TAB betting are monetary benefits for the racing industry.

The negative social impacts fall under the both Acts' definition of 'harm'.

## Gambling Participation

The New Zealand 2012 National Gambling Study found that eighty percent of the adult population had participated in some form of gambling during the previous year (when the study was undertaken). The study found that approximately one in five adults (22%) gambled weekly or more often. Other than Lotto (17%), Instant Kiwi and raffle tickets (both 3%), no other gambling activity was participated in weekly or more often by more than two percent of adults.

The table below, reproduced from that study, and sorted by rate of participation (instead of alphabetically) shows that Lotteries Commission products (Lotto, Keno, Instant Kiwi) represented the largest share of gambling, by mode.

In the year of the study, 12% of adult New Zealanders played a non-club pokie machine, compared to 61% who bought a Lotto ticket. Only 1.2% played non-club pokies weekly or more often, compared to 16% who bought Lotto weekly or more often.

Participation in club venue pokies was lower: only 5.7% played a club venue pokie machine and only 0.5% played club venue machines weekly or more often.

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**Table 1: New Zealanders' participation in different modes of gambling, ranked in descending order**

Gambling Activity	Total participation: % (95% C.I.)			
	Past Year		Weekly or more often	
Lotto from a store	60.8	(59.3 - 62.3)	16.2	(15.1 - 17.3)
New Zealand raffle/lottery	47.1	(45.5 - 48.7)	3.0	(2.6 - 3.6)
Instant Kiwi tickets or other scratch tickets	33.2	(31.7 - 34.7)	3.1	(2.6 - 3.6)
Bets with friends/workmates for money/prizes	15.3	(14.1 - 16.5)	0.6	(0.4 - 0.9)
<b>Pub EGMs (Electronic Gaming Machines)</b>	<b>12.2</b>	<b>(11.2 - 13.3)</b>	<b>1.2</b>	<b>(0.9 - 1.5)</b>
Casino table games or EGMs (NZ)	9.7	(8.7 - 10.7)	0.2	(0.1 - 0.3)
Casino EGMs (NZ)	8.4	(7.5 - 9.4)	0.1	(0.0 - 0.2)
Horse/dog race betting (at the track)	8.3	(7.5 - 9.3)	0.2	(0.1 - 0.4)
<b>Horse/dog race betting (TAB in person)</b>	<b>7.8</b>	<b>(7.0 - 8.7)</b>	<b>0.9</b>	<b>(0.7 - 1.2)</b>
<b>Club EGMs</b>	<b>5.7</b>	<b>(4.9 - 6.4)</b>	<b>0.5</b>	<b>(0.3 - 0.7)</b>
Lotto online	5.0	(4.3 - 5.8)	1.6	(1.2 - 2.0)
Cards for money (not in casino)	4.5	(3.9 - 5.2)	0.3	(0.2 - 0.5)
Casino table games (NZ)	3.9	(3.2 - 4.7)	0.0	(0.0 - 0.0)
Casino table games or EGMs (overseas)	3.8	(3.2 - 4.4)	0.0	(0.0 - 0.1)
Poker for money/prizes (friends/family private residence)	3.2	(2.7 - 3.9)	0.1	(0.1 - 0.3)
<b>Sports betting (TAB in person)</b>	<b>3.1</b>	<b>(2.5 - 3.7)</b>	<b>0.2</b>	<b>(0.1 - 0.4)</b>
Horse/dog race betting (TAB phone, online, interactive TV)	3.0	(2.5 - 3.7)	0.6	(0.4 - 0.9)
Sports betting (TAB at event)	3.0	(2.4 - 3.6)	0.3	(0.2 - 0.6)
Text game or competition	2.9	(2.3 - 3.5)	0.3	(0.1 - 0.5)
Keno from a store	2.2	(1.9 - 2.7)	0.4	(0.3 - 0.6)
Sports betting (TAB telephone, online or interactive TV)	2.0	(1.5 - 2.6)	0.2	(0.1 - 0.5)
Poker for money/prizes (commercial venue in NZ)	1.8	(1.4 - 2.3)	0.1	(0.1 - 0.2)
Housie or bingo	1.7	(1.3 - 2.0)	0.2	(0.2 - 0.4)
Short-term speculative investments	0.9	(0.7 - 1.2)	0.2	(0.1 - 0.3)
Keno online	0.7	(0.5 - 1.0)	0.1	(0.0 - 0.2)
Overseas internet gambling for money/prizes	0.7	(0.4 - 1.0)	0.1	(0.0 - 0.2)
Poker for money/prizes online	0.5	(0.3 - 0.8)	0.1	(0.1 - 0.3)
Horse/dog race betting (overseas betting organisation or TAB)	0.4	(0.2 - 0.7)	0.1	(0.0 - 0.2)
Sports betting (overseas TAB, organisation/website)	0.4	(0.2 - 0.6)	0.1	(0.0 - 0.2)

Source: New Zealand 2012 National Gambling Study

The study did not discriminate between TAB betting at Racing Board venues, as defined in the Act for the purposes of making a Board Venue policy, and other TAB outlets where betting can take place 'in person'. Taking all physical TAB outlets together, 7.8% used them

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for race betting and 3.1% for sports betting, with 0.9% and 0.2% using them weekly or more often, respectively.

Among other findings, the study said that:

- Māori (85%) and European/Other (82%) adults had the highest levels of past year gambling participation, followed by Pacific Islanders (75%) and Asians (61%), but Māori and Pacific Islanders had higher average monthly gambling expenditure than Europeans/Other and Asians.
- adults with no qualifications were more likely to be regular gamblers on continuous activities (e.g. Electronic Gaming Machines (EGMs), horse and dog race betting and casino table games) than other adults.
- relatively more unemployed adults than employed adults were regular gamblers on continuous activities. Unemployed adults had the highest average expenditure followed by the employed and student, homemaker and retired groups.
- continuous gambling activities are more likely to be associated with problem (or 'compulsive') gambling than other modes.

### Benefits of TAB gambling

The New Zealand Racing Board's (NZRB) key objective is to conduct racing and sports betting to maximise profits for the long-term benefit of New Zealand racing. It is required by the Racing Act to distribute profits to three racing codes: New Zealand Thoroughbred Racing Incorporated, Harness Racing New Zealand Incorporated, and the New Zealand Greyhound Racing Association (Incorporated).

**Table 2: Distributions to racing codes and other racing services by New Zealand Racing Board 2012 – 2017 (\$000)**

	2012	2013	2014	2015	2016	2017
<b>Distributions to Codes</b>						
• Thoroughbred Racing*	70,093	72,494	73,014	73,504	73,680	78,123
• Harness Racing*	37,756	39,288	39,915	39,667	39,860	42,770
• Greyhound Racing*	19,389	20,308	21,153	21,074	21,746	16,670
<i>Subtotal: code funding</i>	<i>127,238</i>	<i>132,090</i>	<i>134,082</i>	<i>134,245</i>	<i>135,286</i>	<i>137,563</i>
<b>Other distributions</b>						
• Racing Integrity Unit	4,049	5,529	5,712	5,844	5,805	6,034
• Racing Lab Services	1,082	1,110	1,193	1,495	1,781	1,821
• Other Services	3,169	3,260	1,292	3,244	4,102	4,419
<i>Subtotal: other distributions</i>	<i>8,300</i>	<i>9,899</i>	<i>8,197</i>	<i>10,583</i>	<i>11,688</i>	<i>12,274</i>
<b>Total Distributions</b>	<b>135,538</b>	<b>141,989</b>	<b>142,279</b>	<b>144,828</b>	<b>146,974</b>	<b>149,837</b>

*Data source: NZRB and racing codes' annual reports*

The NZRB has a Class 4 Gambling Operator's licence and at 30 June 2018 operated 494 gaming machines at 44 venues, but none in the Whangarei District. Its distributions to sporting and racing clubs from Class 4 gambling are included in the following section. Its past three full-year financial reports show that (2015 to 2017) that the 'Other distributions' category has been funded entirely by its Class 4 gambling operations.

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The Northland Racing Club has been the main beneficiary of NZRB funding, through Thoroughbred Racing New Zealand Inc., which subsidises race-day meeting costs by more than \$1.5 million per year. There are no greyhound racing clubs in Northland, and the Northland Harness Racing Club appears not to receive any funding from NZRB distributions.

### Benefits of Class 4 gambling

In this section, the benefits of Class 4 gambling are considered in terms of the grants made to community organisations within the District by Class 4 corporate societies, and grants as a percentage of Gaming Machine Profits (GMP).

GMPs, for the purposes of this report are defined in the *Gambling (Class 4 Net Proceeds) Regulations 2004* as 'Gross Proceeds'. They are '*the turnover of the gambling, less prizes, plus interest or other investment return on that turnover, plus any gain above the book value from the sale or disposal of gambling assets*'.

### Grants to Community Groups

The amount of GMP returned to the Whangarei District area is derived from data provided by the Problem Gambling Foundation (PGF), which is collected under contract from the Ministry of Health from grants publications issued by corporate societies. From 2013 to 2017 grants totalling \$16 million were made to community organisations within the Whangarei District, by corporate societies with non-club venues in the district.

**Table 3: Grants from all corporate societies to Whangarei District 2013 - 2017**

Category	2013	2014	2015	2016	2017	Totals
Community	\$ 832,775	\$ 770,935	\$ 748,438	\$ 1,028,144	\$ 737,863	<b>\$ 4,118,156</b>
Social Services	\$ 875,960	\$ 1,013,601	\$ 952,124	\$ 939,667	\$ 1,576,645	<b>\$ 5,357,996</b>
Sport	\$ 1,313,634	\$ 1,361,392	\$ 1,232,148	\$ 1,348,958	\$ 1,205,308	<b>\$ 6,461,440</b>
<b>Totals</b>	<b>\$ 3,022,368</b>	<b>\$ 3,145,928</b>	<b>\$ 2,932,710</b>	<b>\$ 3,316,769</b>	<b>\$ 3,519,816</b>	<b>\$ 15,937,592</b>

Source: Problem Gambling Foundation grants database

For grants made only to the Whangarei District; 559 organisations received a total of 4,998 grants, with an average value of \$ 5,334 over the five-year period.

The grants are allocated into three high-level categories: Sport includes all sporting groups and grants made for sporting facilities. Social Services includes all grants to education, health-related organisations, emergency services and some welfare services. Community covers all other grantees.

The PGF database includes a category for grants made to regional organisations that serve the Whangarei, Kaipara and Far North districts (or Northland Region). Those grants totalled \$10.6 million over the five years. The majority (88%) of them went to five organisations.

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**Table 4: Grants to regional organisations 2013 - 2017 (total)**

Regional grantee organisations	Total 2013 – 2017
Northland Emergency Services Trust	\$ 1,262,800
Northland Cricket Assn	\$ 1,246,488
Northland Hockey Assn	\$ 1,066,794
Northland Rugby Union	\$ 4,611,470
Sport Northland	\$ 1,195,624
<b>Total</b>	<b>\$ 9,383,177</b>

Source: Problem Gambling Foundation grants database

The contribution to, and benefit from, those regional grantee organisations could potentially be apportioned across the districts, but a full regional analysis is beyond the scope of this report. These regional grants are excluded from the following analysis.

### **Grants to Community Groups**

In the Communities category, the largest total amount went to the provision of community facilities. These are summarised together with sporting facilities below.

Arts groups received a substantial share, as did local associations (Lions and Rotary Clubs, Residents Associations). Several youth services, including Whangarei Blue Light Ventures, Life Education Trust and the YWCA, received grants of over \$300,000 between them.

**Table 5: Grants to Community and Social groups - total, number and average amount of grant - 2013 to 2017**

Community Category		Total	Number	Average
Arts	Group	\$ 404,578	130	\$ 3,112
Community Group	Environment	\$ 132,181	24	\$ 5,508
	Faith	\$ 73,422	10	\$ 7,342
	Family/Parent	\$ 83,136	41	\$ 2,028
	Other	\$ 434,527	113	\$ 3,845
	Seniors	\$ 69,521	39	\$ 1,783
Local	Association	\$ 411,335	82	\$ 5,016
	Facilities	\$ 1,764,704	126	\$ 14,006
	Services	\$ 106,233	55	\$ 1,932
Maori	Services/Facilities	\$ 170,775	41	\$ 4,165
Youth	Scouts, Guides, Cadets	\$ 96,268	58	\$ 1,660
	Services	\$ 371,477	127	\$ 2,925
<b>Community Total</b>		<b>\$ 4,118,156</b>	<b>846</b>	<b>\$ 4,868</b>

### **Grants to Social Services Groups**

In the Social Services category (below) the largest amounts of funding went to primary and secondary schools, and to hospices.

In the social services category playcentres have been categorised as Childcare (under Welfare), while kindergartens are included in Early Childhood education.

The Emergency Services category does not include grants to the Northland Emergency Services Trust, which operates a rescue helicopter service for the whole of Northland from its Whangarei base.

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**Table 6: Grants to social service organisations - total, number and average amount of grant - 2013 to 2017**

Social Services Category		Total	Number	Average
Education	Association	\$ 171,527	26	\$ 6,597
	Early Childhood	\$ 24,140	11	\$ 2,195
	Intermediate	\$ 205,457	64	\$ 3,210
	Other	\$ 18,266	7	\$ 2,609
	Primary	\$ 1,814,684	625	\$ 2,903
	Secondary	\$ 1,259,482	465	\$ 2,709
Emergency Services	Ambulance	\$ 5,000	1	\$ 5,000
	Fire Services	\$ 8,670	3	\$ 2,890
	Search and Rescue	\$ 21,146	6	\$ 3,524
Health	Disability	\$ 94,212	35	\$ 2,692
	Hospice	\$ 1,170,324	48	\$ 24,382
	Services	\$ 274,179	74	\$ 3,705
Welfare	Childcare	\$ 247,537	89	\$ 2,781
	Other	\$ 43,371	12	\$ 3,614
<b>Social Services Total</b>		<b>\$ 5,357,996</b>	<b>1466</b>	<b>\$ 3,655</b>

### ***Grants to Sports Groups***

Sports received more than either Community groups or Social Services. Within the Sports category, Horse Racing and Soccer both received grants of over \$1 million in total.

Rugby received \$851,000, but presumably more would have been channelled through the Northland Rugby Union. Cricket and Hockey are also supported by regional organisations.

The category for Horse Racing does not include funding for racing codes from the New Zealand Racing Board. The majority of that amount (\$945,099 out of \$1,045,099) was made up of grants from the Oxford Sports Trust to the Whangarei Racing Club Inc.

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**Table 7: Grants to sports groups - total, number and average amount of grant 2013 to 2017**

Sport Category		Total	Number	Average
Indoor Sports	Facilities	\$ 51,534	23	\$ 2,241
	Gym Sports	\$ 126,606	70	\$ 1,809
	Other Indoor	\$ 97,894	87	\$ 1,125
	Racquets	\$ 222,118	99	\$ 2,244
Other Sports	Other	\$ 132,085	46	\$ 2,871
Outdoor Sports	Athletics/Marathons	\$ 22,043	7	\$ 3,149
	Cycling/BMX	\$ 133,421	57	\$ 2,341
	Equestrian	\$ 63,089	29	\$ 2,175
	Facilities	\$ 120,169	15	\$ 8,011
	Golf	\$ 462,039	158	\$ 2,924
	Hunting, Fishing, Shooting	\$ 56,277	10	\$ 5,628
	Lawn Sports	\$ 289,293	131	\$ 2,208
	Motor Sports	\$ 86,553	8	\$ 10,819
	Tennis	\$ 175,509	95	\$ 1,847
Racing	Harness	\$ 18,500	4	\$ 4,625
	Horse Racing	\$ 1,045,099	83	\$ 12,592
	Pigeons	\$ 5,777	6	\$ 963
Special	Olympics	\$ 61,092	14	\$ 4,364
	Riding	\$ 44,455	17	\$ 2,615
Team Sports	Basketball	\$ 123,377	64	\$ 1,928
	Cricket	\$ 310,769	64	\$ 4,856
	Hockey	\$ 96,532	52	\$ 1,856
	League	\$ 36,142	11	\$ 3,286
	Netball	\$ 128,395	43	\$ 2,986
	Rugby	\$ 851,990	247	\$ 3,449
	Soccer	\$ 1,081,273	313	\$ 3,455
Water Sports	Power Craft	\$ 13,667	4	\$ 3,417
	Rowing/Paddlecraft	\$ 69,817	28	\$ 2,493
	Sailing	\$ 48,106	27	\$ 1,782
	Surfing, Life Saving	\$ 210,622	68	\$ 3,097
	Swimming	\$ 277,199	114	\$ 2,432
<b>Total</b>		<b>\$ 6,461,440</b>	<b>1994</b>	<b>\$ 3,240</b>

### ***Grants for Community and Sports facilities***

The Community and Sports categories both include a sub-category of 'Facilities'. These have been separately identified because grant funding provided for some community infrastructure can often supplement, or even substitute for, funding that the Council might otherwise have been asked or expected to provide.

The table below is an extract of the facilities funded within the Community and Sport categories over the period 2013 - 2017.



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**Table 8: Grants for Local Community and Sporting Facilities - total, number, and average amount - 2013 to 2017**

<b>Community Facilities</b>	<b>Total</b>	<b>Number</b>	<b>Average</b>
Anawhata Museum Trust	\$ 40,115	9	\$ 4,457
Jack Morgan Museum Inc	\$ 3,690	5	\$ 738
Northland Vintage Machinery Club	\$ 31,000	4	\$ 7,750
Old Library Ltd	\$ 7,610	4	\$ 1,903
One double five Whare Awhina Community House	\$ 10,000	1	\$ 10,000
Onerahi Resource Centre	\$ 36,626	6	\$ 6,104
Parakao Hall Society	\$ 3,572	1	\$ 3,572
Parua Bay And Districts Community Centre	\$ 7,500	2	\$ 3,750
Parua Bay Cemetery Trust	\$ 1,500	1	\$ 1,500
Ruakaka Reserve Board	\$ 18,111	2	\$ 9,055
Ruatangata Hall and Community Assn	\$ 1,696	2	\$ 848
Ruatangata Public Hall Society	\$ 3,165	3	\$ 1,055
Springfield Domain	\$ 1,500	1	\$ 1,500
Waipu Joint Venture	\$ 165,000	9	\$ 18,333
Waipu Public Coronation Hall & Library	\$ 5,000	1	\$ 5,000
Whangarei Art Museum Trust	\$ 1,158,130	39	\$ 29,696
Whangarei Heads Community Library Society	\$ 3,000	2	\$ 1,500
Whangarei Museum and Heritage Trust	\$ 258,488	31	\$ 8,338
Whareora Hall Society	\$ 3,000	1	\$ 3,000
<b>Subtotal Community Facilities</b>	<b>\$ 1,758,704</b>	<b>124</b>	<b>\$ 14,183</b>
<b>Sports Facilities</b>			
Friends of the Pool Inc	\$ 5,000	1	\$ 5,000
Kamo Sports Charitable Trust	\$ 27,010	6	\$ 4,502
Kensington Club	\$ 1,000	1	\$ 1,000
Mangakahia Sports Ground Society	\$ 93,159	9	\$ 10,351
Northland Athletics and Gymnastics Stadium Trust	\$ 21,763	12	\$ 1,814
Portland Recreation Centre	\$ 9,905	3	\$ 3,302
Ruakaka Recreation Centre	\$ 19,866	8	\$ 2,483
<b>Subtotal Sports Facilities</b>	<b>\$ 177,702</b>	<b>40</b>	<b>\$ 4,443</b>
<b>Total Community and Sports Facilities</b>	<b>\$ 1,936,406</b>	<b>164</b>	<b>\$ 11,807</b>

### **Grants share of Gaming Machine Profits (GMP)**

Every corporate society must distribute no less than 40% of its GMP to its authorised purposes, somewhere in New Zealand.

The Department of Internal Affairs has supplied data on the amount of GMP by type of venue (club and non-club) for the five years 2013 to 2017. The GMP for club venues is applied to the purposes of the club, and therefore remains within the district or city within which the club is located.

The GMP for non-club venues must be distributed as grants to authorised purposes within New Zealand, but not necessarily within the district/city from which it was gathered. The degree of positive social impact from Class 4 gambling therefore depends on the percentage (above or below 40%) was returned to Whangarei District.

The table below shows that total GMP for the years 2013-2017 was \$74.2 million. The club venue GMP was \$7.8 million, while non-club venue GMP was \$66.3 million dollars in total over the period, or \$13.3 million per year on average. These totals include GST.

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**Table 9: Gaming Machine Profits (GMP) by venue type 2013 – 2017**

Venue Type	2013	2014	2015	2016	2017	Totals
Club	\$ 1,573,814	\$ 1,463,906	\$ 1,510,880	\$ 1,640,357	\$ 1,637,717	\$ 7,826,673
Non-Club	\$ 12,402,809	\$ 12,744,627	\$ 13,221,150	\$ 13,532,691	\$ 14,436,114	\$ 66,337,391
<b>Total</b>	<b>\$ 13,976,624</b>	<b>\$ 14,208,534</b>	<b>\$ 14,732,030</b>	<b>\$ 15,173,048</b>	<b>\$ 16,073,831</b>	<b>\$ 74,164,064</b>

Source: Department of Internal Affairs (Official Information Act request)

Despite a reduction in the number of non-club venue EGMs between 2013 and 2017, GMP increased steadily for both club and non-club venues combined: from \$14.0 million to \$16.1 million. Most of that increase came from non-club venues.

The table below shows the amount returned to Whangarei District by societies operating Class 4 venues in the district; by category, in total and as a percentage of GMP.

**Table 10: Grants returned to Whangarei District by Corporate Societies operating Class 4 Venues in the district - amount by category and percentage**

Grants	2013	2014	2015	2016	2017	Total
Community	\$ 832,775	\$ 770,935	\$ 748,438	\$ 1,028,144	\$ 737,863	\$ 4,118,156
Social Services	\$ 875,960	\$ 1,013,601	\$ 952,124	\$ 939,667	\$ 1,576,645	\$ 5,357,996
Sport	\$ 1,313,634	\$ 1,361,392	\$ 1,232,148	\$ 1,348,958	\$ 1,205,308	\$ 6,461,440
<b>Total Grants</b>	<b>\$ 3,022,368</b>	<b>\$ 3,145,928</b>	<b>\$ 2,932,710</b>	<b>\$ 3,316,769</b>	<b>\$ 3,519,816</b>	<b>\$ 15,937,592</b>
Non-Club GMP	\$ 10,785,051	\$ 11,082,284	\$ 11,496,652	\$ 11,767,557	\$ 12,553,143	\$ 57,684,688
<b>% Returned</b>	<b>24.4%</b>	<b>24.7%</b>	<b>22.2%</b>	<b>24.5%</b>	<b>24.4%</b>	<b>24.0%</b>

Data sources: Problem Gambling Foundation and Department of Internal Affairs.

The average share of grants returned over 5 years, was 24.0%. The grants shown in this table include grants from corporate societies that do not operate non-club venues in Whangarei District, so the share returned represents some transfers into the District from elsewhere.

Allowance should be made for grants returned to regional and national grantee organisations, from which Whangarei District would also obtain some benefit. There is no accurate data about the allocation of benefits from those regional and national grants to different local authorities, so an analysis of those benefits is beyond the scope of this report.

Whangarei does not appear to be getting the full benefit of grants to community and sporting organisations in the district, that it might reasonably hope for, because the returns consistently fall well short of 40%.

### **Grants share of GMP per Society**

The non-club gaming venues in Whangarei District are operated by six corporate societies. If the overall return is less than 40%, it may be useful to know whether the societies which operate Class 4 venues in the district are all returning roughly the same percentage, or whether there is significant variation among them.

The Department of Internal Affairs does not release data on GMP for each society by territorial authority district, although it does hold that data. However, it is possible to make a reasonably robust estimate, simply by counting the number of consented machines operated

## Attachment 2

by each society and calculating each society's share of machines in the district, as shown in the table below.

**Table 11: Societies - share of EGMs in district**

Non-Club Societies	Non-Club Venues	EGM per Venue	EGM per Society	Society % EGMs
Oxford Sports Trust Inc	HIKURANGI HOTEL	13		
	JIMMY JACKS RIB SHACK	9		
	JUDGE - HOUSE OF ALE	18		
	KENSINGTON TAVERN	18		
	PURE BAR & GRILL	18		
	TOTE & POKE	18		
	WAIPU HOTEL	12	<b>106</b>	<b>48%</b>
Pub Charity Ltd	ONERAHI TAVERN	18		
	POROTI TAVERN	3		
	THE GRAND HOTEL	18	<b>39</b>	<b>18%</b>
The Southern Trust	TIKIPUNGA TAVERN	18		
	WILDSIDE BAR & GRILL	9	<b>27</b>	<b>12%</b>
Pelorus Trust	RUAKAKA TAVERN	18	<b>18</b>	<b>8%</b>
The Lion Foundation (2008)	COALIES SPORTS BAR AND GRILL	11	<b>11</b>	<b>5%</b>
Pegasus Sports Foundation	KAMO HOTEL	18	<b>18</b>	<b>8%</b>
<b>Totals</b>		<b>219</b>	<b>219</b>	<b>100%</b>

Data source: Department of Internal Affairs website.

Each society's share of machines can then be multiplied by the average non-club venue GMP for the five years 2013 - 2018, to generate an estimate of average GMP per society per year. Because the GMP per society is only an estimate, the results are rounded to the nearest \$1,000 to reflect a lack of precision.

The annual average grants per year for each society include only grants made to Whangarei District, excluding regional organisations.

**Table 12: Estimated share of GMP returned to Whangarei for each society operating machines in Whangarei District (average per annum, 2013 - 2017)**

Machines per society		GMP per Society (est)	Amount of Grants	% returned
Oxford Sports Trust	106	\$ 6,421,000	\$ 1,800,000	28%
Pub Charity	39	\$ 2,363,000	\$ 987,000	42%
Southern Trust	27	\$ 1,636,000	\$ 75,000	5%
Pegasus Sports	18	\$ 1,090,000	\$ 33,000	3%
Pelorus Trust	18	\$ 1,090,000	\$ 64,000	6%
Lion Foundation	11	\$ 666,000	\$ 33,000	5%
<b>Totals / Average of all</b>		<b>\$ 13,267,000</b>	<b>\$ 2,966,000</b>	<b>22.4%</b>

Data sources: Problem Gambling Foundation and Dept. of Internal Affairs

Although this is only an estimation, it is reasonable to say that Pub Charity has probably returned about 40% to 45% of the GMP it acquired in Whangarei District back to the district. The Oxford Sports Trust, based in Whangarei, has probably returned about 25% to 30%, and the other four societies have probably returned between 2% and 7%.

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Corporate societies that do not operate venues within Whangarei contributed a further \$1,154,425 in grants over the 5-year period, or \$ 230,885 per annum on average, which increases total returns from the Class 4 gambling sector to 24% as shown in Table 10.

The distribution of GMP is regulated under the Gambling Act 2003 and subsidiary regulations, as shown in the table below.

**Table 13: Allocation of Class 4 GMP required by Gambling Act and regulations, applied to Whangarei total GMP 2013 – 2017 (GST excl)**

Allocated to:	Percentage	Amount	Required by:
Gaming Machine Duty	20.0%	\$ 14,832,813	Gaming Duties Act 1971
Problem gambling levy	1.3%	\$ 964,133	Gambling (Problem Gambling Levy) Regs 2016
Grants (minimum)	40.0%	\$ 29,665,627	Gambling (Class 4 Net Proceeds) Regs 2004
Venues (maximum)	16.0%	\$ 11,866,251	Gambling (Venue Payments) Regs 2016
Society operations	22.7%	\$ 16,835,243	Gambling Act 2003 – Section 52(1)
<b>Total GMP 2013 -2017</b>		<b>\$ 74,164,067</b>	

A substantial share goes to taxes:

- a duty of 20% goes to the Crown consolidated revenue.
- a problem gambling levy is calculated for the share of problem gambling associated with the Lotteries Commission (0.40%), New Zealand Racing Board (0.52%), Casinos (0.87%) and, Class 4 gambling (1.3%). These shares of the levy are regularly reviewed and may change over time.
- class 4 operators must pay GST on the Problem Gambling Levy and other costs of operations, including licensing fees paid to the Department of Internal Affairs, as part of their operating costs.

A minimum amount of 40% of GMP must be distributed to the authorised purposes of non-club corporate societies. The amount applied to authorised purposes by clubs is set in the club's licence conditions, and the usual minimum is 37.12%.

The venue operator may receive no more than 16% of GMP for hosting the society's gaming machines.

Finally, the corporate society retains the residual after all other proportions are allocated. From this it pays for the purchase and maintenance costs of the EGMs, regulatory and compliance costs for operating venues, and the costs associated with processing grants applications, as well as allocating and monitoring grants expenditures. Section 52(1) of the Gambling Act requires that a Class 4 operator '*...will maximise the net proceeds from the class 4 gambling and minimise the operating costs of that gambling*'.

The same shares can be applied to the GMP from all Class 4 gambling venues in New Zealand, which totalled more than \$4 billion dollars for the years 2013 to 2017.

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**Table 14: Total Class 4 club and non-club GMP, all local authorities 2013 – 2018**  
(\$ million)

All NZ	2013	2014	2015	2016	2017	Total
Club	\$ 107,657,267	\$ 105,335,170	\$ 106,196,969	\$ 103,773,836	\$ 99,126,176	<b>\$ 522,089,419</b>
Non-Club	\$ 703,926,590	\$706,079,019	\$ 721,829,669	\$ 754,463,114	\$ 784,258,689	<b>\$ 3,670,557,081</b>
<b>Total</b>	<b>\$811,583,857</b>	<b>\$811,414,189</b>	<b>\$ 828,026,639</b>	<b>\$ 858,236,950</b>	<b>\$ 883,384,865</b>	<b>\$ 4,192,646,499</b>

To put those amounts in context, Class 4 gambling has accounted for 39% of the total gamblers' losses, from the four major modes of legal gambling, over the years 2012/13 to 2016/17 for the whole of New Zealand.

**Table 15: Total gambling expenditure (gamblers losses) by mode and share (average over 5 years) (\$million)**

	2013	2014	2015	2016	2017	Share (5 yrs)
<b>Class 4 Gambling</b>	\$ 827	\$ 806	\$ 818	\$ 843	\$ 870	<b>39%</b>
<b>Casinos</b>	\$ 490	\$ 486	\$ 527	\$ 586	\$ 572	<b>25%</b>
<b>Lotteries Commission</b>	\$ 432	\$ 463	\$ 420	\$ 437	\$ 555	<b>21%</b>
<b>NZ Racing Board (TAB)</b>	\$ 294	\$ 310	\$ 325	\$ 342	\$ 338	<b>15%</b>
<b>Total</b>	<b>\$ 2,042</b>	<b>\$ 2,065</b>	<b>\$ 2,091</b>	<b>\$ 2,209</b>	<b>\$ 2,334</b>	<b>100%</b>

*Data source: Dept. of Internal Affairs: Gambling Expenditure Statistics*

The table above should be considered in context of the participation rates for different gambling modes (Table 1). The majority of New Zealanders purchase Lotteries Commission products during a year, and only 12% use Class 4 gaming machines, but far more money is lost by Class 4 gamblers each year than from any other mode of gambling.

### ***Player rewards: benefits and harms***

Corporate societies assert that players obtain generous returns from playing the pokies. They claim that 92 cents of every dollar spent is returned to the gambler, and the millions of dollars of gamblers' losses described above account for only 8 cents in the dollar gambled.

Gambling on a Class 4 gaming machine can provide genuine benefits to some players: they obtain the entertainment value of 'having a flutter' and may win some money. If they only play occasionally, and moderately, then they can expect to only lose a small percentage of their 'bankroll', on average, over time.

But for others; particularly those who play more frequently, continuously, and for longer periods of time, the financial rewards are likely to be extremely low.

Attachment 1 to this report provides an explanation of why these two cohorts of players differ significantly in their contribution to GMP from Class 4 gambling, and why some gamblers continue to play even when experience will have taught them they are bound to lose.

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### Harms

The harm caused by all forms of gambling, is primarily economic: people spend money on gambling that might be put to other uses.

Problem gambling, or harmful gambling, occurs when people spend more than they can afford, denying themselves or their families some of the necessities of life; spending their savings rather than disposable income; and going into debt or committing crimes to support their gambling habit. Other harms then flow from those behaviours.

A 2012 study funded by the New Zealand Ministry of Health found that the burden of gambling harm is primarily due to damage to relationships, emotional/psychological distress, disruptions to work/study and financial impacts.

The study estimated that an equivalent of 161,928 years of life were lost to disability because of harms from gambling in one year. Within this number 67,928 life-years were attributed to gamblers themselves and 94,729 to people who were affected by someone else's gambling.

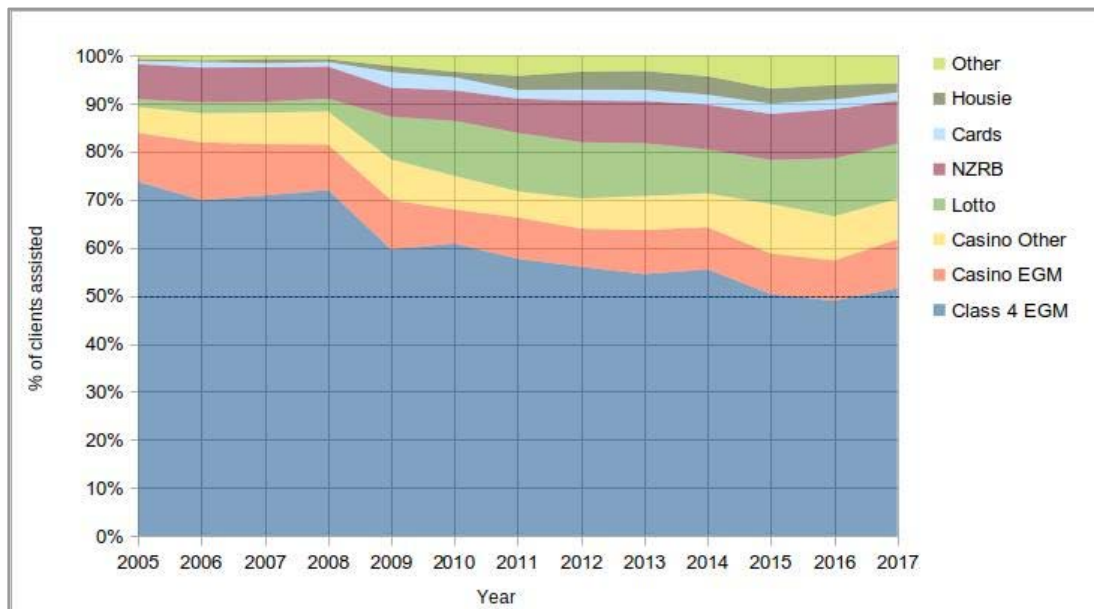
The report found that:

‘At a national level, and taking into account both prevalence and severity, our analysis suggests that gambling causes over twice the amount of harm than chronic conditions such as osteoarthritis (2.1x) and diabetes (2.5x). However, gambling causes less harm than other disorders such as anxiety and depressive disorders (.63x) and hazardous drinking (.77x).’

Figure 2 (below) shows the number of problem gambling clients assisted by publicly funded services, for various modes of gambling. The number of clients includes both gamblers and their friends, family and spouses, in keeping with the Gambling Act's definition of harm and the findings outlined above.

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**Figure 1: Percentage of clients assisted by primary gambling mode (NZ) 2005 -2017**



Source: <https://www.health.govt.nz/our-work/mental-health-and-addictions/gambling/service-user-data/intervention-client-data#ppgm>

There are other methods of measuring gambling harm, but this is the most robust method, based on readily available data which is updated annually.

The graph shows that Class 4 gambling is presently responsible for most problem gambling. When combined with electronic gaming machines in casinos, this type of gambling is, and has been for some time, clearly responsible for more gambling harm than all other modes combined.

There is no publicly available data on how many of these clients sought help for problems associated with Class 4 gambling, specifically, within the Whangarei District, but the total number of problem gambling clients assisted is shown below.

**Table 2: All Problem Gambling Clients Assisted: Whangarei District**

Year	Number	% of national clients
2013	317	2.55%
2014	324	2.57%
2015	425	3.34%
2016	288	2.32%
2017	374	3.22%

Source: <https://www.health.govt.nz/our-work/mental-health-and-addictions/gambling/service-user-data/intervention-client-data#territorial>

These numbers represent only people who have sought help for a gambling problem through publicly-funded gambling and addiction support services.

According to the National Gambling Survey, of the 77% to 80% who gambled during the previous year, only 0.1% sought formal help for a gambling problem over the period of the



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survey. But the same survey found that between 0.3% to 0.6% of the adult population have been assessed as problem gamblers. This suggests that the number of problem gamblers in the Whangarei District might be up to six times more than the number who sought and received treatment.

The percentages of problem gamblers vary by ethnicity and gender (males being more likely to be problem gamblers than females):

- Pacific: 1.9% problem gamblers, 5.7% moderate-risk gamblers, 10.2% low-risk gamblers, 53.8% non-problem gamblers
- Māori: 1.6% problem gamblers, 4.7% moderate-risk gamblers, 9.5% low-risk gamblers, 63.0% non-problem gamblers
- Asian: 0.1% problem gamblers, 1.4% moderate-risk gamblers, 5.2% low-risk gamblers, 51.5% non-problem gamblers
- European/Other: 0.1% problem gamblers, 0.7% moderate-risk gamblers; 4.0% low-risk gamblers; 74.7% non-problem gamblers.

In areas with a high Māori and Pacific Island populations, it can be expected that the negative consequences of gambling are likely to affect such areas more profoundly than others.

### **Harm to others**

The harms caused by Class 4 gambling affect not just the gamblers themselves, but also their friends, families, employers, and the victims of crime.

Recent research in Australia found that problem gamblers affected from 4 to 6 other people; the researchers proposing that six was more likely, because four was an estimate provided by problem gamblers themselves. Moderate-risk gamblers affected three others while low-risk gamblers affected one other.

No similar research has been undertaken in New Zealand. But if that proportion holds roughly true, then a similar multiplier could be applied to the number of problem gamblers in New Zealand, and the percentage of the whole population affected by problem gambling could be around 5% to 6%.

The criminal acts of problem gamblers are significant. A study by AUT University in the early 2000's, of recently incarcerated prisoners, found that:

*'Just over a quarter of women and 15 percent of men said that they had committed at least one criminal offence to obtain money for gambling or to pay gambling debts. People with serious gambling problems committed most of these offences, which mainly involved burglary, fraud, theft and robbery.'*

A 2012 study by AUT University said that'

*'In New Zealand, higher exposure to gambling opportunities has been statistically linked to higher crime rates for all categories of crime (Wall et al., 2010). EGM density measures (especially number of machines within a 5,000 metre buffer) were also associated with the local crime rate (Wall et al., 2010). A formative qualitative investigation of the link between gambling and crime focused particularly on unreported crime and the nature of the resulting harms experienced by individuals, families, whānau, and communities (Bellringer et al., 2009). Problem gambling*

## Attachment 2

*treatment providers, gambling industry staff, and community groups identified financial harm to the community resulting from theft to support gambling as most prevalent, as well as social security/services and benefit-related crimes. Strain on the community caused by gamblers who expect to be 'bailed-out' by their community, or who abuse positions of power or trust within their communities, was also highlighted by participants in this study as direct harms to the community.'*

The broader costs to society have never been systematically measured in New Zealand but would presumably include costs to the justice system (policing, courts, incarceration, rehabilitation); costs to the social welfare system (providing support to families of some problem gamblers, including those incarcerated), treatment and counselling costs for problem gamblers, and the administrative overhead of regulating the sector.

### **Relocation of Class 4 venues and deprivation**

Recent amendments to the Gambling Act 2003 require that the first time a territorial authority commences a review of a policy after the amendment came into force it must consider whether to include a relocation policy, and furthermore that:

*'Whenever a territorial authority is considering whether to include a relocation policy in its class 4 venue policy, it must consider the social impact of gambling in high-deprivation communities within its district.'*

Unfortunately, there is not a great deal of readily available information on the social impact of gambling specifically on high-deprivation communities at local authority level.

Auckland Council produced a study in 2013 showing that the proceeds of Class 4 gambling were not evenly distributed among its Local Board areas, and that GMP tended to be drawn from higher deprivation areas and the grant funding tended to flow to lower deprivation areas.

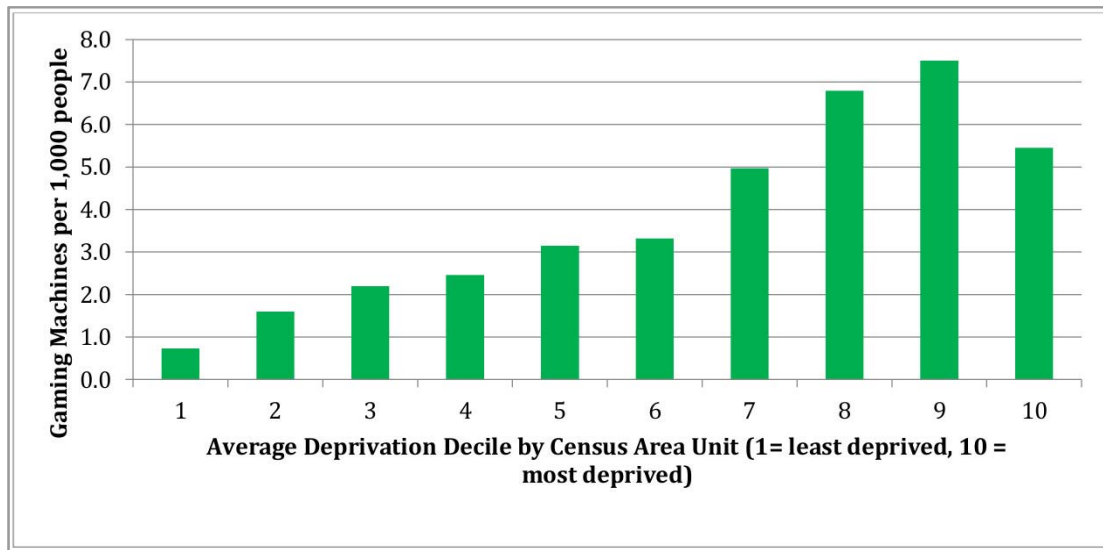
A Ministry of Health report published in 2015, titled 'Informing the 2015 Gambling Harm Needs Assessment' noted that:

*'The (2011/12 New Zealand Health Survey) highlighted that the likelihood of problematic gambling increased as the level of deprivation increased. People living in neighbourhoods with the highest levels of deprivation (i.e. the most deprived) were five times more likely to report moderate-risk/problem gambling than those living in neighbourhoods with the lowest levels of deprivation (i.e. the least deprived). Neighbourhoods with higher levels of deprivation also appear to be more likely to offer opportunities for gambling. In 2014, 54.2 percent of [non-casino gaming machines] were located in [census area units] with average deprivation deciles of 8 and higher – a slightly higher proportion than in 2011 (52.4 percent), and notably higher than 2009 (48 percent).'*' (pg 9)

The report included the histogram reproduced below, showing a positive correlation between the number of non-casino EGMs and the number of people in high deprivation areas. (pg 94)

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**Figure 2: Non-Casino EGMs per 1000 people by deprivation decile (all NZ)**



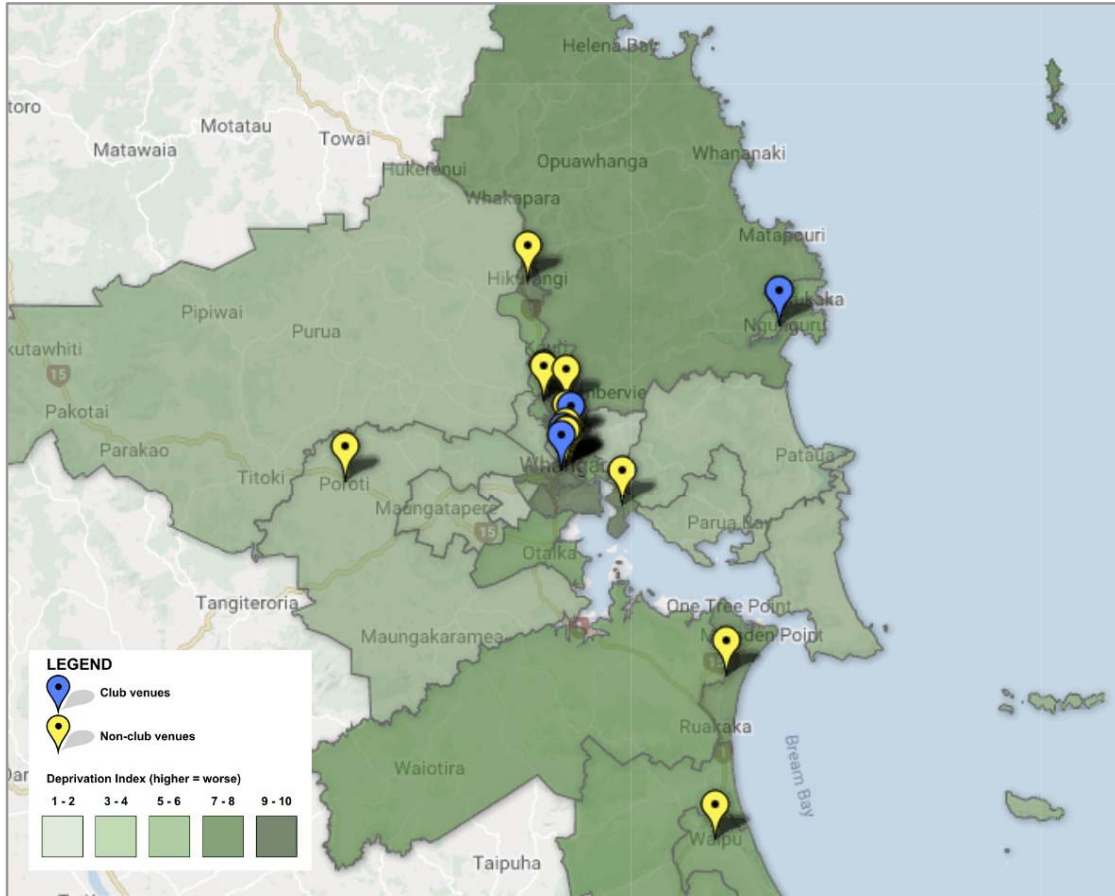
In that report, Whangarei Central was included among the 10 census area units in New Zealand with the highest number of NCGMs, by deprivation decile, population and ethnicity, as measured in December 2014.

However, that result was distorted by the fact that only 174 people were resident in that area unit at the time, and the report also noted that 'CAUs which contain central business and retail districts also tend to have higher (that is, more deprived) population-weighted deprivation deciles than those which do not'. In short, the correlation was likely be skewed in Whangarei Central's case.

On the other hand, a visual map of deprivation in the Whangarei District with the locations of club and non-club venues overlaid (below), indicates that Class 4 venues do appear to be located more frequently in higher deprivation areas, throughout the whole District.

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**Figure 3: Whangarei District - Class 4 venues and deprivation by Census Area Unit**



Data source: <https://www.otago.ac.nz/wellington/departments/publichealth/research/hirp/otago020194.html>

And although the higher deprivation CAUs tend to be in commercial and business areas, a closer look at the inner suburbs of Whangarei (below) shows that areas where Class 4 venues are clustered, are more generally within, or surrounded by, areas of higher deprivation.

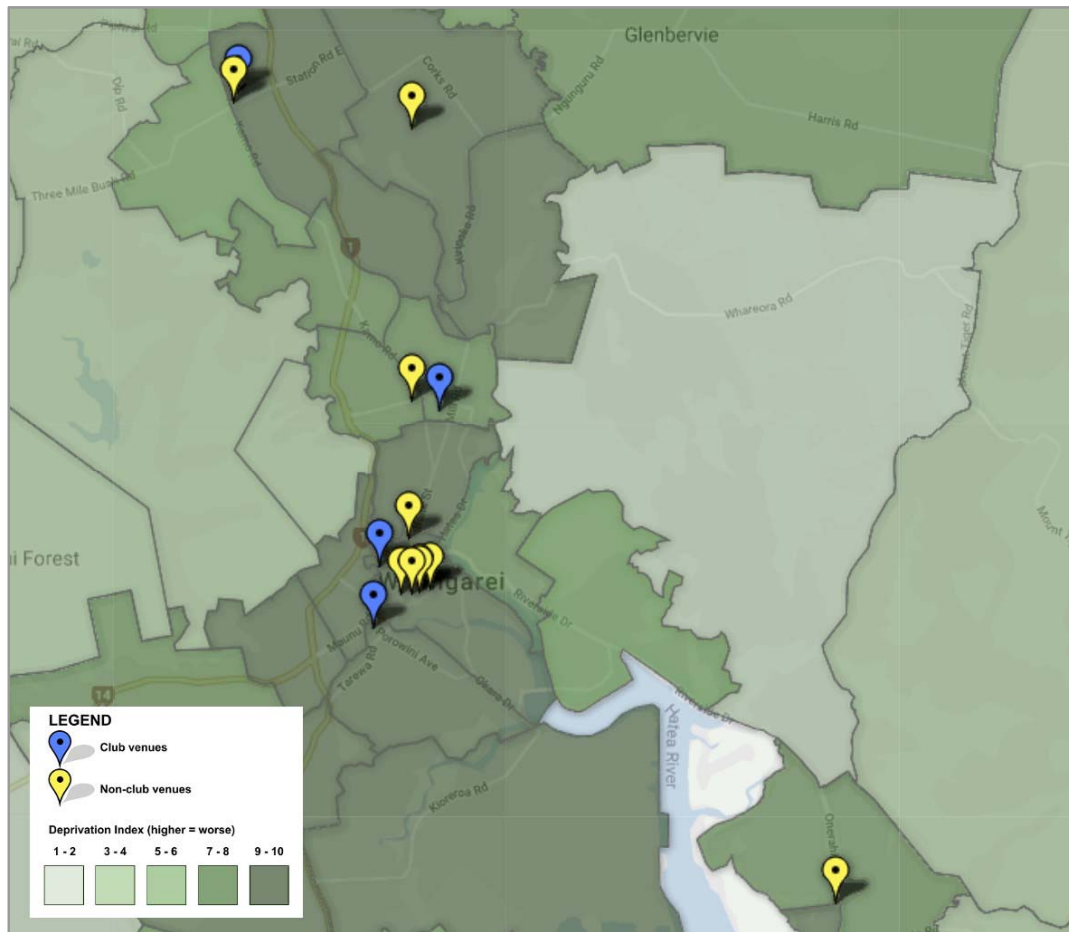
Assuming people do not use gambling machines located only in the census area unit where they live, but may travel between the short distances between areas to gamble at a Class 4 venue, the availability of Class 4 gambling does appear to be associated with higher deprivation areas.

This association is important to the extent that some local authorities have adopted Class 4 Venue relocation policies designed to encourage the relocation of venues from high deprivation areas to lower deprivation areas, presumably on the basis that they might cause less harm in such areas.

However, the direction of causality is not known. There has been no study done to test whether venues tend to be clustered in areas where deprivation is higher; perhaps because they make more GMP by being in those areas, or whether the clustering of venues in an area has caused and/or exacerbated higher deprivation in those areas over time.

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**Figure 4: Whangarei Inner Area Class 4 venues and deprivation by Census Area Unit**



Data source: <https://www.otago.ac.nz/wellington/departments/publichealth/research/hirp/otago020194.html>

In the absence of a robust study on direction of causality, it would be unsafe to assume that the negative social impacts of Class 4 gambling would be mitigated by relocating venues from high deprivation areas to lower deprivation areas. The 2012 Ministry of Health funded study on gambling harm noted that:

‘One of the most pervasive harms to the community is how gambling continues to perpetuate cycles of disadvantage by affecting factors that contribute to poverty, poor health, and lower levels of human and social capital, thus compounding and concentrating harms. Given the disproportionate number of EGMs located within poorer communities (Wynd, 2005) and the vulnerability of these groups, this is of particular concern; as evidenced by some populations (such as lower socio-economic and ethnic groups) experiencing greater losses than other populations (SHORE, 2008).’

In other words, it is possible that a concentration of gaming machines in any area perpetuates, exacerbates, or even creates, higher levels of deprivation.

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### ***Combined TAB and Class 4 venues***

Over the past decade there has been a noticeable trend toward the development of combined TAB and Class 4 venues, often dubbed 'sports bars'.

There is nothing in the law to restrict the New Zealand Racing Board from installing PubTAB self-service kiosks, or full-service outlets (with staffed betting counters), in a Class 4 venue. These may be accompanied by televisions tuned to sports channels and the TAB's own Trackside channel. This can transform a pub or bar into a place where the principal activity is gambling.

There has not yet been any systematic study of the gambling harm caused by these types of venue, and whether they create more (or less) harm than either type of gambling provided independently.

### **Summary**

The benefits of funding for community and sporting groups from Class 4 are substantial, in absolute monetary terms; over \$3 million per year. However, due to the nature of the societies that operate within the District and their distribution methods, not all funds received through class 4 gambling activities that are required to be re-distributed to the community are retained within the Whangarei District.

While grants are generally considered as a means of funding community infrastructure and services, it is noted however that:

- less than 25% of the direct cost to the community of raising this revenue is returned to community and public good purposes
- there are significant indirect costs to the community, including the costs of criminal activity that can be linked to class 4 gambling
- the revenue is raised from a small proportion of the community (between 15% and 0.5% of adults who use EGMs), and disproportionately from the unemployed and less well-educated.

The nature and extent of gambling harm is not well researched in New Zealand, and therefore local authority policy making lacks information on which to base decisions. However, some conclusions may be drawn from the available nationwide statistics:

- problem gamblers are a small proportion of the overall adult population, but their gambling affects five or six times as many people
- gambling venues can tend to be clustered in high deprivation areas
- class 4 gambling appears to be the single most significant cause of gambling harm in the Whangarei District, as it is elsewhere in New Zealand.

## Attachment 2

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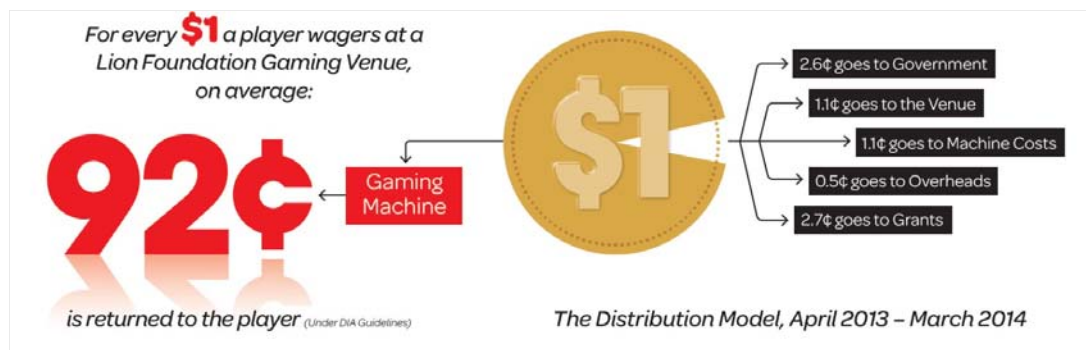


# Appendix 1

## Returns to players

The figure below, describing the allocation of GMP in those terms, was copied from the Lion Foundation's website in August this year.

**Figure 5: Lion Foundation claim of 92% returns to players**



Source: <https://www.lionfoundation.org.nz/community-gaming/> (3 August 2018)

### Who has the other 92 cents?

If 92 cents in the dollar is returned to gamblers, then there should be some very wealthy people in Whangarei, holding \$185.4 million dollars in disposable income, who would prefer to spend it on Class 4 gambling rather than other goods and services.

The statement that 92% of gaming revenue is returned to the player is technically correct, assuming each gambler were to make independent non-sequential bets, without re-playing their winnings. In that case the 'expected value' of each bet (or 'spin') on average, over many spins, would be 0.92 multiplied by the amount spent.

However, if a gambler makes a series of non-independent bets, replaying their winnings in each gambling session, the 'expected value' of those bets is:  $0.92 \times 0.92 \times 0.92$  (etc), up to the total number of bets. In other words, the expected value is the amount spent multiplied by  $0.92^n$ , where  $n$  is the number of sequential bets.

That means if a player were to play one 'spin' on a machine every 6 seconds, for 10 minutes, making 100 bets in total, the expected value of each that gambling session would be  $0.92^{100}$ , which is 0.00024 (i.e. 0.024%, or 2.4 cents cent in the dollar).

Many users of Class 4 gaming machines probably do make independent non-sequential bets. They will be the majority of the 12% or so of the adult population, who occasionally play the machines during a year, and may occasionally walk away having won some money.

But the machines are designed to encourage play of the latter type (described in the New Zealand Gambling Study as 'continuous play'), and the very small percentage of adults (about 1.2%) who play the machines more than once a week are likely to make serial non-independent bets and receive very little or no financial reward.

# Appendix 1

## ***If they keep losing, why keep playing?***

For the small proportion of adults who play pokies regularly, the odds are not in their favour. They lose a lot of money, but continue playing regardless.

In recent years neuroscience studies using functional magnetic resonance imaging have shown that gambling with EGMs 'lights up' the same areas of the brain as drugs such as cocaine, heroin, or methamphetamine.

The predominant difference between drugs and gaming machines is that the latter do not introduce foreign substances into the human body. Instead, they use external stimuli - in the form of sounds, lights and images - to directly influence the brain's internal 'reward system', which controls the production of feel-good chemicals within the brain (e.g. dopamine and serotonin).

People who use gaming machines frequently, continuously, for longer periods of time, begin to seek these neurochemical 'rewards' rather than other benefits. They persist in playing the machines to obtain neurochemical rewards, not with any expectation of winning money.

They may be called (variously) compulsive or habituated gamblers, gambling addicts or problem gamblers. There are no clear differences among those terms, which are often used interchangeably.

Several authoritative studies show that electronic gaming machines are designed not just to encourage continuous play, but to be addictive, and that their purpose is to get the player to 'play to extinction', or lose their entire bankroll, in each gambling session.

These claims have been strenuously denied by machine manufacturers and the pokie gambling industry. But the industry has been unable to advance a convincing explanation for why some people will play a pokie machine for hours at a time, and why they will keep coming back to a venue to do that time after time, without any hope or realistic expectation of winning money.



***Whangarei District Council***

***Board Venue Policy***

***Policy  
#tbc***

Policy title			
Audience (Primary)	Internal/external*	Business Owner (Dept)	
Policy Author		Review Date	

## Legislative Requirement

Section 65 D of the Racing Act 2003 requires territorial authorities to adopt a policy on Board venues.

## Objectives

To minimise the harm caused by gambling, by controlling the growth of Board venues in the Whangarei District.

## Policy

Council will grant consents for up to **1 OR 2** Board venues in the District. (*cap*)

### OR

Council will not permit the establishment of new Board venues in the District. (*sinking lid*)

## Policy rules

### (only required if cap option selected)

1. No Board venue may be located within 100 metres of the nearest boundary of a church or other place of worship, a marae, or any educational institute.
2. Board venues may only be located where permitted under the Whangarei District Plan or where a resource consent has been obtained, except for the Business 3 Environment of the Whangarei District Plan, where no venues may be located.
3. Before consent for a new Board venue is granted, the New Zealand Racing Board must apply to Council and include the following information:
  - a. the proposed location of the Board venue
  - b. evidence that the proposed Board venue is a Board venue as defined in the Racing Act 2003.
4. For the avoidance of doubt, Council will determine whether the application evidence satisfactorily meets the requirements of rules 1,2 and 3 of this Policy.
5. The required application fee must be paid at the time of lodging the application. The fee amount will be set by Council in accordance with section 150 of the Local Government Act 2002.
6. The Exemptions and Objections Subcommittee of Council has delegated authority to consider an application and make a final decision on the application.

### AND – only required if relocation option to be included

7. Council may permit an existing Board venue to relocate, if the relocation is required due to circumstances beyond the control of the New Zealand Racing Board, including, but not limited to:
  - inability to renew a lease
  - acquisition of the Board venue property under the Public Works Act 1981.
8. Policy rules 1-6 apply with any necessary modifications for any proposed relocation.

### ***Definitions***

**Any word used in this Policy that is defined in section 5 of the Racing Act 2003 has, for the purposes of this Policy, the same meaning as in that section.**

**Council** means the Whangarei District Council

**District** means the Whangarei District.

**Educational institute** means any public or private early childhood centre, kindergarten, kohanga reo or playcentre; any public or private primary, intermediate or secondary school, or any tertiary education institute.

### ***Relevant Legislation***

Racing Act 2003

DRAFT



## Current Board Venue Policy –analysis and comments

Policy section	Staff comments
<p><b>Introduction</b></p> <p>In terms of section 65D of the Racing Act 2003 territorial authorities must adopt a TAB Board Venue policy for standalone “TABs” operated by the New Zealand Racing Board. The policy must specify whether or not new TAB Board Venues may be established in the district, and where they may be located.</p> <p>The policy covers standalone TAB Board Venues, which are owned or leased by the New Zealand Racing Board. Council consent is not required under the Racing Act 2003 to establish a TAB facility in a bar, hotel or club. The purposes of the Racing Act 2003 is to provide effective governance arrangements for the racing industry, to facilitate betting on galloping, harness, and greyhound races, and other sporting events; and to promote the long-term viability of New Zealand racing.</p> <p>Race and sports betting is not class 4 gambling. For class 4 gambling matters please see Council’s Class 4 gambling policy which is made under the gambling Act 2003. If a TAB Board Venue wishes to also host gaming machines a separate application must be made under Council’s Class 4 gambling policy and the TAB Board Venue must also meet the additional criteria set out in that policy.</p> <p>Currently there is a single TAB Board Venue in the District located at Vine Street, Whangarei. The policy provides for the establishment of an additional TAB Board Venue in the District with the number of TAB Board Venues capped at two (2). Any application for consent under the policy to establish a new TAB Board Venue, including an application resulting from the need to relocate a venue must be publicly notified and determined at a Council hearing.</p>	<p>No requirement to include introductory text in the Policy. If required can be included on webpage as explanatory material.</p>
<p><b>1 Objectives of the policy</b></p> <p>1.1 To provide for Board Venues as required by the Racing Act 2003 including where they may be located.</p> <p>1.2 To have regard to the social impact of gambling taking into consideration the cumulative effects of additional opportunities for gambling in the district.</p> <p>1.3 To facilitate community involvement in decisions about the provision of Board Venues in the Whangarei District.</p>	<p>Clause 1.1 is restating the legal requirement to have a BVP.</p> <p>Clause 1.2 is a requirement for Council consideration in making the BVP, it is not an objective of the BVP.</p> <p>See comments regarding removal of community consultation under Policy rules section regarding clause 1.3.</p>
<p><b>2 Establishment of Board venues permitted</b></p> <p>2.1 Council will permit the establishment of Board venues with the total number of venues not to exceed two (2) venues in the District at any time.</p>	<p>Proposal is for Council to consider a reduction in the cap to 1 (one) venue, or applying a sinking lid policy approach.</p>



Policy section	Staff comments
<p><b>3 Relocation of Board venues permitted</b></p> <p>3.1 Council may permit a Board venue to re-establish at a new site where:</p> <p>Due to circumstances beyond the control of the owner or lessee of the Board Venue, the venue cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>i expiration of lease</li> <li>ii acquisition of property under the Public Works Act; or</li> <li>iii site redevelopment.</li> </ul>	<p>Staff are seeking direction on whether to retain a relocation policy if the decision is to retain a 'cap' in the overarching policy approach. The draft relocation policy has been slightly revised to more accurately reflect potential circumstances that are outside of the New Zealand Racing Board's control in relation to a venue.</p>
<p><b>4 Where Board venues may be established or relocated</b></p> <p>4.1 Any Board venue may be established in the District where it is a permitted activity under the Whangarei Operative District Plan or where resource consent to undertake the activity has been granted by Council but no case shall not be established in a Business 3 Environment.</p>	<p>Included in proposed revised policy.</p>

# Attachment 4

<p><b>5 The territorial authority consent process</b></p> <p>5.1 Any application for consent under this policy to establish a new Board Venue, including an application resulting from the need to relocate a venue will be subject to public notification and determined at a Council hearing.</p> <p>5.2 Council has delegated the power to consider and determine applications for Territorial Authority consent under the Racing Act 2003 to the Licensing Exemptions and Objections Committee and during the term of this policy may delegate such powers to such other committees as appropriate</p> <p>5.3 Submissions in writing shall be invited over a period of not less than 20 working days, with submitters invited to indicate if they wish to be heard on the hearing date. Working days shall have the same meaning as defined in terms of the Resource Management Act 1991.</p> <p>5.4 The Committee shall consider all submissions, written and oral, and shall make a decision including reasons on the application. The Committee's decision shall be final.</p> <p>5.5 The applicant and all submitters shall be advised of the decision, and the reasons for the decision, as soon as practicable.</p> <p>5.6 In considering any application and submissions, the Committee shall have regard to provisions of the Racing Act 2003, objectives of this policy, and the criteria outlined in matters to be considered at hearing.</p> <p>5.7 Notification of application</p> <p>Public notification shall be undertaken by Council as follows:</p> <p>a By publication in a local newspaper circulating within the District.</p> <p>b By way of a public notice displayed prominently in the window of the proposed venue or by signage on the venue site for the period during which submissions are open.</p> <p>c By the notification in writing of owners and occupiers of any adjacent properties.</p> <p>d By notification in writing to any other person or party that Council considers necessary.</p>	<p>5.1, 5.3 Staff recommend the removal of the requirement to consult where an application for a new or relocated venue is received. The revised policy sets out clear criteria for the Exemptions and Objections Committee to consider any new or relocation applications received. The Policy itself is consulted on with the community and this consultation should inform whether the community supports a relocation policy in principle, as well as the policy approach for the number of venues.</p> <p>5.2, 5.4, 5.6 Included or covered in proposed revised policy.</p> <p>5.7 All notification matters are operational, should not be included in policy.</p>
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### 5.8 Matters to be considered in determining application

In considering an application under this policy, the Committee shall have regard to the following matters:

- a The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally.
- b The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.
- c The extent to which the application meets the objectives of the Whangarei District Board Venue Policy, and the purpose and intent of the Racing Act 2003.
- d Any other matter that Council considers relevant and reasonably necessary to determine the application.

### 5.9 How an application is to be made

Applications for consent must be made on the approved form and must provide:

- a. Name and contact details of the applicant
- b. Venue name and street address
- c. A scale plan drawn showing areas set aside for gambling and other activities
- d. A location plan showing the location of the venue within the wider community
- e. Names and date of birth of venue management staff
- f. Where the application relates to the establishment of a new Board venue the applicant must provide an assessment of the following matters:
  - i The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
  - ii The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area
- g Any other information that may reasonably be required to allow proper consideration of the application
- h Fees
- i Certificate of compliance under the Resource Management Act 1991 or a copy of the resource consent authorising the proposed activity under the Act.

### 5.8

The committee can establish its decision-making criteria for each and any application made and these matters are largely those that Council must consider when establishing the BVP as a policy – if Council chooses to allow for new or relocated venues in the policy then it should have already considered these matters in undertaking the policy review process.

The committee is not restricted from considering any matters it considers relevant when making a decision, and can ask for further information from the applicant or staff as required to assist in their decision making.

### 5.9

Relevant matters are included or covered in proposed revised policy, some aspects of the existing clause are operational or a duplication of other aspects of the policy.

Policy section	Staff comments
<p><b>6 Application fees</b></p> <p>Council shall set fees from time to time, under authority of the Local Government Act 2002, and shall include consideration of:</p> <ul style="list-style-type: none"> <li>a The cost of processing any application, including any consultation, public notification and hearings involved.</li> <li>b The cost of triennially reviewing the Board Venue Policy including the cost of assessment of the effectiveness of the policy and the social impact of gambling in the District.</li> <li>c The cost of any inspection of premises should this be required of Council by the Department of Internal Affairs.</li> </ul>	<p>6.</p> <p>Fees can only be set in accordance with the criteria of section 150 of the Local Government Act 2002.</p> <p>The ability to set application fees is included in the proposed revised policy.</p>
<p><b>7 Promotion of gambling information to the community</b></p> <p>7.1 Council will within budget constraints, facilitate the provision of information promoting host responsibility, gambling harm minimisation, problem gambling services and other relevant information to the District community and the industry in an endeavour to contribute towards the achievement of the objectives of this Policy.</p>	<p>7.</p> <p>This policy statement is not required to be included in the policy. Council has limited scope to influence the matters addressed in this clause.</p>



***Whangarei District Council***

***Class 4 Venue Policy***

***Policy  
#tbc***

Policy title			
Audience (Primary)	Internal/external*	Business Owner (Dept)	
Policy Author		Review Date	

## Legislative Requirement

Section 101 of the Gambling Act 2003 requires territorial authorities to adopt a policy on class 4 venues.

## Objectives

To minimise the harm caused by gambling, by controlling the growth of class 4 venues in the Whangarei District.

## Policy

Council will not permit the establishment of new class 4 venues in the District.

## Policy rules

Only required if council wishes to included one or more of the following three items in the Policy

### 1. Relocations

- 1.1. Council may permit an existing class 4 venue to relocate, if the relocation is required due to circumstances beyond the control of the venue operator, including, but not limited to:
  - inability to renew a lease
  - acquisition of the Board venue property under the Public Works Act 1981.
- 1.2. No class 4 venue may be located within 100 metres of the nearest boundary of a church or other place of worship, a marae, or any educational institute.
- 1.3. Class 4 venues may only be located within the Business 1, 2 or 4 Environments of the Whangarei District Plan.
- 1.4. Before consent to relocate a class 4 venue may be granted, the venue operator must apply to Council and include in the application the relevant information pertaining to Policy rules 1.1-1.3 above.
- 1.5. For the avoidance of doubt, Council will determine whether the application satisfactorily meets the requirements of rules 1.1-1.3 of this Policy.
- 1.6. The required application fee must be paid at the time of lodging the application. The fee amount will be set by Council in accordance with section 150 of the Local Government Act 2002.
- 1.7. The Exemptions and Objections Subcommittee of Council has delegated authority to consider a relocation application and make a final decision on the application.

**Other matters for consideration:****2. Increases in number of machines**

- 2.1. Council will not grant consent to an increase in the number of machines in an existing class 4 venue, in circumstances where an application might be made to the Minister under section 96(2) of the Gambling Act 2003.

**3. Mergers of club venues**

- 3.1. Council will grant consent under section 95(2) of the Gambling Act 2003 for two or more venues to merge, with the following conditions:
- a. Council is satisfied that the merging class 4 venues are both (or all) club venues, as defined in this policy.
  - b. The place where the venues that are being merged to holds a current Class 4 venue licence.
  - c. The number of machines in the merged venue will be no more than 5/6ths of the sum of the number of machines specified in the class 4 venue licences of the merging venues at the time consent is sought (the number will be rounded down to the nearest whole number, if it is not a whole number).
  - d. Before consent to merge class 4 venues is granted, the venue operator must apply to Council and include the following information:
    - i. evidence that the applicant clubs are club venues as defined in the Gambling Act 2003
    - ii. copies of the class 4 venue licences held by all the merging venues, confirming the current number of machines licensed to be operated in those venues.
  - e. For the avoidance of doubt, Council will determine whether the application satisfactorily meets the requirements of rules 9.a-9.d of this Policy.
  - f. The required application fee must be paid at the time of lodging the application. The fee amount will be set by Council in accordance with section 150 of the Local Government Act 2002.

**Definitions**

**Any word used in this Policy that is defined in section 5 of the Gambling Act 2003 has, for the purposes of this Policy, the same meaning as in that section.**

**Council** means the Whangarei District Council.

**District** means the Whangarei District.

**Educational institute** means any public or private early childhood centre, kindergarten, kohanga reo or playcentre; any public or private primary, intermediate or secondary school, or any tertiary education institute.

**Relocate** means a situation where a venue is intended to replace an existing venue within the District to which a class 4 venue licence applies.

**Relevant Legislation**

Racing Act 2003





## 2013 Class 4 Gambling Venue Policy – analysis and comments

Policy section	Staff comments
<p><b>Introduction</b></p> <p>The Gambling Act 2003 overhauled legislation relating to gambling. A key change for local authorities was a requirement that they must establish a Class 4 Gambling venue Policy adopted by special consultative procedure. Council is required to review this policy every three years. Class 4 gambling relates to pokie machines and an application to the Department of Internal Affairs for a new venue licence under the Gambling Act 2003 must be accompanied by consent from Council. Consideration of such an application by Council must be in terms of the Class 4 Gambling Venue Policy. This policy has been developed, amended and reviewed in accordance with 101 of the Gambling Act 2003.</p> <p>This policy provides that Council will not consent to the establishment of new class 4 gambling venues with the exception of specific situations where venues need to relocate or in the case of clubs, combine and relocate. There will be no increase in the number of machines at a venue as the result of any relocation and the policy also prevents venues operating prior to the commencement of the Gambling Act 2003, from increasing machine numbers. Any application for consent under the policy to establish a new class 4 venue, resulting from the need to relocate a venue must be publicly notified and determined at a Council hearing.</p>	<p>No requirement to include introductory text in the Policy, largely repeats policy content. If required can be included on webpage as explanatory material.</p>
<p><b>1 Objectives of the policy</b></p> <p>1.1 To control the growth of class 4 gambling in the Whangarei District.</p> <p>1.2 To minimise the harm caused by class 4 gambling in the Whangarei District.</p> <p>1.3 To facilitate community involvement in decisions about the provision of class 4 gambling in the Whangarei District.</p> <p>1.4 To allow those who choose to use class 4 gaming machines may do so in a safe and well managed environment.</p>	<p>Clause 1.1 is restating the legal requirement to have a C4P.</p> <p>Clause 1.2 has been restated in the revised draft C4P.</p> <p>See comments regarding removal of community consultation under Policy rules section regarding clause 1.3.</p> <p>Council has limited, if any control, regarding the matters in clause 1.4.</p>
<p><b>2 Establishment of Board venues permitted</b></p> <p>Save for as provided in clause 3 of this policy Council will not permit the establishment of new class 4 gambling venues in the Whangarei District.</p>	<p>Retained in revised C4P.</p>

Policy section	Staff comments
<p><b>3 Relocation of Board venues permitted</b></p> <p>3.1 Council may permit a class 4 venue to re-establish at a new site where:</p> <p>Due to circumstances beyond the control of the owner or lessee of the class 4 venue, the venue cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>i expiration of lease</li> <li>ii acquisition of property under the Public Works Act; or</li> <li>iii site redevelopment.</li> </ul> <p>In the case of a club only, as defined in the Gambling Act 2003, Council will permit the relocation to a new site of a club, where two or more existing clubs legally and physically combine into one.</p> <p>Any permission to establish any new class 4 venue under this clause will be subject to the following conditions:</p> <p>a Except as provided for in 3.1 (b) above the venue operator of the business at the new site shall be the same as the venue operator at the site to be vacated.</p> <p>b The number of gaming machines permitted to operate at the new venue will not exceed the number permitted to be operated at the existing site with a maximum of nine machines as provided by Section 94 of the Gambling Act 2003. In the case of clubs which combine in terms of Section 95 of the Gambling Act 2003 the number of gaming machines permitted will not exceed the sum of the number of gaming machines specified in all of the corporate societies class 4 venue licences at the time of application with a maximum limit of 30.</p> <p>In the case of clubs which combine to form a new club and to which Section 96 of the Gambling Act 2003 applies the number of gaming machines permitted to operate at the new venue will not exceed the sum of the number of gaming machines specified in all of the corporate societies class 4 licences at the time of application but must not in any case exceed 18 machines.</p>	<p>Staff are seeking direction on whether to retain a relocation policy.</p> <p>If to be retained, the draft relocation policy has been revised to more accurately reflect potential circumstances that are outside of the class 4 venue's control in relation to their operating premises.</p> <p>In deciding on whether to retain a relocation option, Council must now consider the social impact of gambling in high deprivation areas. This is discussed in detail in the Social Impacts Report attached to this agenda item.</p> <p>This clause relates to mergers and it appears to be more permissive than the above relocation restrictions. Staff recommend any club merger is subject to the same matters and criteria as any other class 4 venue.</p> <p>Considered unnecessary clause.</p> <p>This clause is inconsistent with the provisions of the Gambling Act 2003. While Council can provide restrictions on the number of machines as a condition of a relocation it cannot technically state a maximum of 9 machines under section 94 of the Act.</p> <p>This merely restates the current provisions of section 96 of the Act, it does not provide any further restrictions.</p>

Policy section	Staff comments
<p><b>4 Where class 4 gambling venues may be established on relocation</b></p> <p>4.1 Any class 4 venue may only be established in a Business 1, Business 2 or a Business 4 Environment as defined under the Whangarei Operative District Plan.</p>	<p>Matter included in proposed revised relocation policy.</p> <p>Policy has been revised to include a 100 metre restriction within the boundaries of a place of worship, marae or educational institute.</p>
<p><b>5 Restrictions on the maximum number of machines that may be operated at a class 4 venue</b></p> <p>5.1 Council will not consent to any increase in the number of class 4 gambling machines operated at each venue, specifically:</p> <p>a Where the holder of a class 4 venue licence existing on the 17 October 2001 wishes to increase the number of machines by application under section 92 of the Gambling Act 2003 then the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.</p> <p>b For premises licensed after 17 October 2001, to which section 93 of the Gambling Act 2003 applies, club applicants in terms of which section 96 of the Gambling Act 2003 applies, the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.</p> <p>c Where two or more clubs or societies legally and physically combine in terms of section 95 of the Gambling Act 2003, the maximum number of machines permitted will be the sum of the number of gaming machines specified in all of the corporate societies class 4 venue licences at the time of application with an maximum limit of 30 as provided in section 95 (4) of the Gambling Act 2003.</p>	<p>This clause and sub clauses restate the current provisions of sections 92, 93, 95 and 96 of the Act.</p> <p>The draft policy suggests options for limiting the increase of machines under sections 95 and 96 of the Act.</p>
<p><b>6 The territorial authority consent process</b></p> <p>6.1 Any application for consent under this policy to establish a new class 4 venue resulting from the need to relocate a venue will be subject to public notification and determined at a Council hearing.</p> <p>6.2 Council has delegated the power to consider and determine applications for Territorial Authority consent under the Gambling Act 2003, to the Licensing Exemptions and Objections Committee and during the terms of this policy may delegate such powers to such other committees as appropriate.</p> <p>6.4 Submissions in writing shall be invited over a period of not less than 20 working days, with submitters invited to indicate if they wish to be heard on the hearing date. Working days shall have the same meaning as defined in terms of the Resource Management Act 1991.</p>	<p>Applies to relocations only.</p> <p>6.1, 6.4 Staff recommend the removal of the requirement to consult where an application for a new or relocated venue is received. The revised policy sets out clear criteria for the Exemptions and Objections Committee to consider any new or relocation applications received. The Policy itself is consulted on with the community and this consultation should inform whether the community supports a relocation policy in principle.</p>

Policy section	Staff comments
<p>6.5 The Committee shall consider all submissions, written and oral, and shall make a decision including reasons on the application. The Committee's decision shall be final.</p> <p>6.6 The applicant and all submitters shall be advised of the decision, and the reasons for the decision, as soon as practicable.</p> <p>6.7 In considering any application and submissions, the Committee shall have regard to provisions of the Gambling Act 2003, objectives of this policy, and the criteria outlined in matters to be considered at the hearing.</p> <p>6.8 Notification of application Public notification shall be undertaken by Council as follows:</p> <p>a By publication in a local newspaper circulating within the District.</p> <p>b By way of a public notice displayed prominently in the window of the proposed venue or by signage on the venue site for the period during which submissions are open.</p> <p>c By the notification in writing of owners and occupiers of any adjacent properties.</p> <p>d By notification in writing to any other person or party that Council considers necessary.</p> <p>6.9 Matters to be considered in determining application</p> <p>In considering an application under this policy the Committee shall have regard to the following matters:</p> <p>a The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally.</p> <p>b The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.</p> <p>c The extent to which the application meets the objectives of the Whangarei District Council Class 4 Gambling Venue Policy and the purpose and intent of the Gambling Act 2003.</p> <p>d Any other matter that Council considers relevant and reasonably necessary to determine the application.</p>	<p>6.2, 6.5 Included or covered in proposed revised relocation policy.</p> <p>6.6 Self-evident, not required.</p> <p>6.7 Self-evident, not required.</p> <p>6.8 All notification matters are operational, should not be included in policy.</p> <p>6.9 If Council chooses to include a relocation policy, then these matters (particularly a and b) would have been considered in undertaking the policy review process.</p> <p>The committee is not restricted from considering any matters it considers relevant when deciding.</p> <p>These types of criteria are appropriate where applications are of a relatively frequent nature and provide guidance to the decision-makers to ensure consistency over time. Council has only received and processed one relocation application since 2003.</p>

Policy section	Staff comments
<p>6.10 How an application is to be made</p> <p>Applications for consent must be made on the approved form and must provide:</p> <p>a Name and contact details of the applicant</p> <p>b Venue name and street address</p> <p>c A scale plan drawn showing areas set aside for gambling and other activities</p> <p>d A location plan showing the location of the venue within the wider community</p> <p>e Names and date of birth of venue management staff</p> <p>f In respect of a class 4 venue details of gambling equipment and the number of machines that the applicant intends to operate</p> <p>g In respect of a class 4 venue information demonstrating that the primary activity for the venue will not be the operation of gambling machines</p> <p>h In respect of a class 4 venue details of the liquor licence/licenses applying to the venue</p> <p>i Where the application relates to the establishment of a new class 4 venue the applicant must provide an assessment of the following matters:</p> <p>i The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally</p> <p>ii The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area</p> <p>j Any other information that may reasonably be required to allow proper consideration of the application</p> <p>k Fees</p> <p>l Certificate of compliance under the Resource Management Act 1991 or a copy of the resource consent authorising the proposed activity under the Act.</p>	<p>6.10</p> <p>Relevant matters are included or covered in proposed revised policy, some aspects of the existing clause are operational or a duplication of other aspects of the policy.</p>

Policy section	Staff comments
<p>6.11 Application fees</p> <p>Council shall set fees from time to time, under authority of the Local Government Act 2002, and shall include consideration of:</p> <ul style="list-style-type: none"> <li>a The cost of processing any application, including any consultation, public notification and hearings involved.</li> <li>b The cost of triennially reviewing the class 4 gambling policy including the cost of assessment of the effectiveness of the policy and the social impact of gambling in the District.</li> </ul> <p>The cost of any inspection of premises should this be required of Council by the Department of Internal Affairs.</p>	<p>6.11</p> <p>Fees can only be set in accordance with the criteria of section 150 of the Local Government Act 2002.</p> <p>The ability to set application fees is included in the proposed revised policy.</p>
<p><b>7 Promotion of gambling information to the community</b></p> <p>7.1 Council will within budget constraints, facilitate the provision of information promoting host responsibility, gambling harm minimisation, problem gambling services and other relevant information to the District community and the industry in an endeavour to contribute towards the achievement of the objectives of this Policy.</p>	<p>7.1</p> <p>This policy statement is not required to be included in the policy. Council has limited scope to influence the matters addressed in this clause.</p>