

## QLDC Council

23 March 2023

### Report for Agenda Item | Rīpoata moto e Rāraki take [10]

**Department:** Assurance, Finance & Risk

**Title | Taitara :** Class 4 Gambling and TAB Venue Policy Review

#### Purpose of the Report | Te Take mō te Pūroko

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The purpose of this report is to review the Class 4 Gambling and TAB Venue Policy (previously known as the Class 4 and TAB Gambling Venue Policy).

#### Executive Summary | Whakarāpopototaka Matua

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Section 101 of the Gambling Act 2003 (GA) and section 96 of the Racing Industry Act 2020 (RA) requires a territorial authority to adopt a class 4 venue and TAB (Totalisator Agency Board) venue policy. Once a policy is adopted, it is required to be reviewed every three years.

If Council endorses the draft policy and adopts the statement of proposal for consultation, staff will undertake a consultation process in accordance with QLDC's Special Consultative Procedure from 24 March 2023 to 30 April 2023.

#### Recommendation | Kā Tūtohuka

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That the Council:

1. **Note** the contents of this report and; in particular the Statement of Proposal and the proposed Class 4 Gambling and TAB Venue Policy;
2. **Endorse** the draft Class 4 Gambling and TAB Venue Policy (Attachment C)
3. **Adopt** the statement of proposal outlined in Attachment D for consultation in accordance with the Special Consultative Procedure outlined in sections 83 and 86 of the Local Government Act 2002, from 24 March 2023 to 30 April 2023; **Authorise** the public notification of the Statement of Proposal as part of a Special Consultative Procedure for community feedback;
4. **Appoint** a panel of three Councillors [to be named] to consider submissions and make a recommendation to the Council on adoption of the policy.

**Prepared by:**



**Name:** Sharon Dinneen  
**Title:** Alcohol Licensing Inspector  
28 February 2023

**Reviewed and Authorised by:**



**Name:** Stewart Burns  
**Title:** GM Assurance, Finance and Risk  
28 February 2023

Context | Horopaki

1. The *Class 4 Gambling and TAB Venue Policy (Policy)* for the Queenstown Lakes District (**the District**) must be reviewed every three years: *Section 102 of the GA, and section 97 of the RA.*

2. The GA and RA sets out the obligations as follows:

**102 Adoption and review of class 4 venue policy**

- (1) A policy on class 4 venues under section 101 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002 and, for the purpose of subsection (1)(e) of that section, the territorial authority must give notice of the proposed policy, in a manner that the territorial authority considers appropriate, to—
  - (a) each corporate society that holds a class 4 venue licence for a venue in the territorial authority district; and
  - (b) organisations representing Māori in the territorial authority district.
- (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.
- (3) Subsection (1)(b) does not affect the ability of a territorial authority to take similar action in respect of any other population group.
- (4) A territorial authority must, as soon as practicable after adopting, amending, or replacing a policy, provide a copy of the policy to the Secretary.
- (5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.
- (5A) The first time that a territorial authority commences a review of a policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force, the territorial authority must (and may at any other time) consider whether to include a relocation policy (as defined in section 101(5)) in its class 4 venue policy.
- (5B) 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.
- (6) A policy does not cease to have effect because it is due for review or being reviewed.

**97 Adoption and review of TAB venue policy**

- (1) A policy on TAB venues under section 96 must be adopted in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002.
- (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.
- (3) A territorial authority must, as soon as practicable after adopting, amending, or replacing a policy on TAB venues, provide a copy of the policy to TAB NZ and the chief executive.
- (4) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.
- (5) A policy does not cease to have effect because it is due for review or is being reviewed.

3. The Policy was first adopted in 2004 and subsequently reviewed in 2007, 2010, 2013 and 2017. In 2018 the Policy was amended to include a relocation clause. This is permitted under the GA: *Section 101(3)(c)*.
4. Even though this current review process has taken more than three years, a policy does not cease to have effect because it is due for review or being reviewed: *Section 102(6) of the GA; and 97(5) of the RA*.
5. The key objectives of the Policy are:
  - Prevent and minimise harm to the community caused by gambling.
  - Control and manage the growth of gambling in the District.
  - Restrict the locations of gambling venues within the District.
  - Facilitate community involvement in decisions about how gambling should be provided for.
  - Ensure that money from gambling benefits the community.
  - Ensure the council and the community have an influence over the delivery and location of new gambling venues within the District.

## Analysis and Advice | Tatāritaka me kā Tohutohu

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### **Background**

6. The GA classifies gambling on the following basis:
  - a) The amount of money spent; and
  - b) The risk of problem gambling associated with an activity.
7. Classes of gambling range from Class 1, low-stake, low-risk gambling, to Class 4, high-risk, high-turnover gambling<sup>1</sup>.
8. Class 4 gambling does not include casinos, but relates to Electronic Gaming Machines (EGM) otherwise known as “pokies” situated in venues such as clubs or pubs.
9. EGM are owned and operated by Societies. These are non-commercial organisations that raise funds for the community or for authorised purposes. They are also referred to as Charitable Trusts.
10. Societies enter into agreement with the venue operator to place EGMs in a venue, in return for a commission payment based on weekly turnover.
11. A society may operate a club. There are currently no clubs operated by a society in the District.
12. A TAB venue is owned and operated by the New Zealand Racing Board (NZRB) and the main business is providing race and sport betting. There are no stand-alone TAB venues in the district.

### **The Role of Territorial Authorities**

13. The GA sets out a process for controlling the growth of gambling by territorial authorities. Territorial authorities are required to implement a policy in accordance with *Section 101*.
14. *Section 101* sets out what Council must consider in adopting its policy, and states:

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<sup>1</sup> [https://www.dia.govt.nz/diawebsite.nsf/wpg\\_URL/Services-Casino-and-Non-Casino-Gaming-Classes-of-Gambling?OpenDocument](https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Casino-and-Non-Casino-Gaming-Classes-of-Gambling?OpenDocument)

**101 Territorial authority must adopt class 4 venue policy**

- (1) A territorial authority must, within 6 months after the commencement of this section, adopt a policy on class 4 venues.
- (2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
- (3) The policy—
  - (a) must specify whether or not class 4 venues may be established in the territorial authority district and, if so, where they may be located; and
  - (b) may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
  - (c) may include a relocation policy.

15. Of particular relevance is the social impact of gambling within the District. This is a matter that Council “must have regard to” when devising and adopting a policy. This is a mandatory requirement.

16. The other key requirements for a policy are:

- Restrictions on the number of EGMs in the District;
- Informing the location of EGMs within the District; and
- It may include a relocation policy: *Section 101(3)*.

**Gambling Venues**

17. The number of class 4 gambling venues identified in the District has varied from eight venues in 2003, to ten venues in 2016, to six venues in 2022.

18. Of the six venues currently registered in the District, three are located in Wānaka CBD, one in Queenstown’s CBD, one in Frankton, and one in Arrowtown.

19. Figure 1 below illustrates the fluctuation of the number of venues in the District compared to the national number of Venues from 2015 to 2021.

20. The number of venues has been gradually reducing since 2016 - from ten to six venues. Currently less than 0.6% of all national venues are located within the District. Currently there are 0.12 venues per 1000 people in the District compared to 0.21 nationally, *see figure 2*.

	2015	2016	2017	2018	2019	2020	2021
<b>National</b>	1,224	1,197	1,146	1,103	1,078	1,068	1,050
<b>Queenstown-Lakes</b>	9	10	8	7	7	7	6

Figure 1: Information provided by PGF

Venues per capita (per 1000 people):

	2015	2016	2017	2018	2019	2020	2021
New Zealand	0.27	0.25	0.24	0.23	0.22	0.21	0.21
Queenstown-Lakes	0.27	0.28	0.21	0.16	0.16	0.15	0.12

Figure 2

**EGMs**

- 21. The reduction of Venues has also resulted in the reduction of the overall number of EGMs in the District.
- 22. The number of EGMs in the District has reduced from 103 to 66 since 2016, exceeding the national trend, *see figure 3.*
- 23. The current number of EGMs equates to less than 0.46% of the total EGM nationwide. In the District there is 1.37 EGM per 1,000 residents compared to 2.84 nationally, *see figure 4.*

	2015	2016	2017	2018	2019	2020	2021
<b>National</b>	16,274	16,031	15,490	15,118	14,828	14,781	14,473
<b>Queenstown-Lakes</b>	94	103	83	73	73	73	66

Figure 3: Information provided by PGF

**EGM per capita (per 1000 people)**

	2015	2016	2017	2018	2019	2020	2021
<b>New Zealand</b>	3.54	3.41	3.23	3.1	2.99	2.92	2.84
<b>Queenstown-Lakes</b>	2.81	2.86	2.12	1.72	1.63	1.54	1.37

Figure 4

- 24. Gaming machine profits (GMP) is the amount of money lost on gaming machines, less the amount paid out in prizes. The total amount of GMP earned within Queenstown Lakes District for 2022 was \$3,030,557<sup>2</sup>. This is a decrease of 20% from the year 2021 when GMP was \$3,626,640. *See figure 5.*

**GMP per year**



Figure 5

- 25. Figure 6 illustrates the national GMP earned between 2015 and 2022. Of the \$741,986,918 earned in New Zealand, 0.41% was earned within Queenstown Lakes District.

<sup>2</sup><https://catalogue.data.govt.nz/dataset/gaming-machine-profits-gmp-dashboard/resource/60081bcd-f2ae-4b97-8a9f-fe449fa59969>

GMP per year

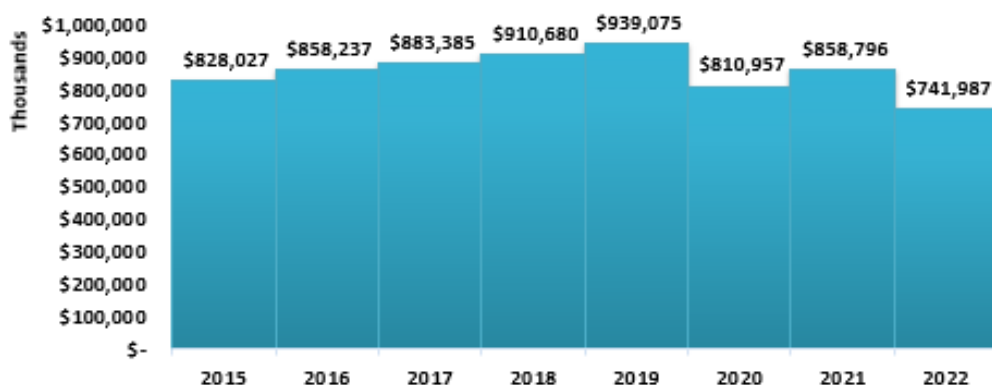


Figure 6

## SOCIAL IMPACT OF GAMBLING

26. Council must have regard to the social impact of gambling in the district when developing its policy. *Section 101(2).*
27. Consideration should be given to:
- high deprivation communities within the District;
  - The number of venues in the District;
  - The impact of problem gambling on these communities within the District;
  - The incidence of problem gambling in the District;
  - The availability of problem gambling treatment in the District.

## Deprivation

28. In developing the Policy, Council adopted the measures of Socioeconomic Deprivation for the area as set out in The New Zealand Index of Deprivation (NZDep).
29. NZDep measures the level of deprivation for people in each small area and is based on nine Census variables<sup>3</sup>. Results for each area are displayed as “Deciles”.
30. Decile 10 represents the most deprived areas, and Decile 1 represents the least deprived areas. The Queenstown Lakes District does not have any areas classified as Decile 9 and 10.

## Number of Venues in the District

31. There are six class 4 gambling venues in the district across Queenstown CBD (NZDep score 6), Frankton (NZDep score 3), Arrowtown (NZDep Score 3), Wānaka CBD (NZDep Score 4).

## Impact of Gambling

32. Gambling is generally regarded as a relatively harmless entertainment activity, with the majority of New Zealanders able to undertake some form gambling without harm to themselves or others.
33. Out of the 70% of people participating in gambling, a small proportion of 0.2% are considered to be problem gamblers<sup>4</sup>.

<sup>3</sup> <https://ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

<sup>4</sup> <https://www.hpa.org.nz/research-library/research-publications/new-zealanders-participation-in-gambling-results-from-the-2016-health-and-lifestyles-survey>

34. However, harmful gambling is understood to be the negative impact gambling has on a person’s health, relationships, finance, and on employment of that person and the effects of gambling on their family and the wider community.
35. The average age of people participating in class 4 gambling was 47 years with a reported average expenditure to be \$11 to \$25 per session.

**Incidence of Problem Gambling**

36. There has been an increase in the numbers of people seeking assistance in the District. Twelve people sought intervention between 2020 - 2021, 0.11% of the national total: *See Figure 7.*

	New clients that have contacted an intervention service for the first time	New clients as a percentage of the number of new clients assisted nationally	Total number of new clients and clients from previous years	Total number of clients as a percentage of the number of clients assisted nationally
2020/2021	9	0.11%	12	0.11%
2019/2020	4	0.06%	6	0.06%
2018/2019	5	0.06%	7	0.07%
2017/2018	3	0.04%	5	0.05%

Figure 7

**Availability of Treatment in the District**

37. There are no problem gambling intervention services in the District. However, a number of services are available on-line or by phone through the national Gambling Helpline, the Problem Gambling Foundation (PGF Group) and The Salvation Army Oasis Centre.
38. Client intervention data available through the Ministry of Health<sup>5</sup> on the number of people who have received some form of gambling harm treatment states that 10,946 New Zealanders sought assistance from these helplines between 2020-2021.

**Benefits from Class 4 Gambling**

39. The GA requires Societies’ to return approximately 40% of gaming machine profits (GMP) back to the community by way of funding and grants. Funds can be distributed for an “authorised purpose” as set out at Section 4 of the GA. An Authorised Purpose includes: Charitable; non-commercial; but does not include grants for personal gain.
40. The remainder of these proceeds are distributed into the following categories: *See figure 8<sup>6</sup>*

<sup>5</sup> <https://www.health.govt.nz/our-work/mental-health-and-addiction/addiction/gambling/service-user-data/intervention-client-data#territorial>

<sup>6</sup> [https://www.dia.govt.nz/diawebsite.nsf/Files/Pokie-system-101-untracked/\\$file/Pokie-system-101-untracked.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Pokie-system-101-untracked/$file/Pokie-system-101-untracked.pdf)

**Allocation of class 4 gaming machine gross  
proceeds**  
(excluding GST)



Figure 8

41. Figure 9 shows the proportion of funds collected through class 4 gambling returned to Queenstown Lakes District community from 2017 to 2020<sup>7</sup>.
42. As it is not required for 40% of GMP to be returned to the community where the money was lost, the results show a varied amount returned to the local community.

Year	Queenstown Lakes District GMP	Grants allocated to local community groups	Proportion
2020	\$2,933,520	\$418,281	15%
2019	\$3,443,830	\$865,631	26%
2018	\$3,370,460	\$623,426	19%
2017	\$3,137,570	\$719,334	23%

Figure 9

43. This demonstrates a significant return to the community. A number of community groups relying heavily on grants to be able to offer their services to the community.

**CURRENT GAMBLING POLICY**

44. The Policy generally covers all of the relevant considerations. However, additional clauses in the Policy are not required by either the GA or RA, and include:
- Information Disclosure:** The Policy requires societies to disclose information relating to financial records regarding net expenditure (GMP), site fees and grants issued to local community groups, to Council every six months.
  - Application process:** the evidence required for an application, and the requirement for fees to be paid.
  - Public Notice Provisions:** including requirements to notify the public of any intention to make an application requiring 21 days for objections to be made.
  - Public Objections:** Process

<sup>7</sup> DIA – Gaming Machine Profits Dashboard and PGR Group Funding Report (internal email)



### **Proposed Changes to the Policy**

45. The following changes are sought:

- a) Remove information disclosure for societies.
- b) Remove the requirement to publicly notify.

### **Information Disclosure**

46. This requirement has not been actively monitored by Council and there is no record of this information ever being requested or received. The GA requires information to be provided to the Department of Internal Affairs (DIA), and it is accessible through the DIA, Problem Gambling Foundation Group, and by the Societies themselves. It is not a requirement under the GA for Council to request or to hold this information.

47. As such, it is recommended that the requirement be removed from the Policy. The requirement creates an unnecessary and inefficient administrative burden, is not a mandatory statutory requirement, and the information is readily available from reliable sources.

### **Public Notification**

48. Neither the GA nor the RA require an application to be publicly notified. Council is required to act in accordance with the statutory requirements, it is not required to go above and beyond the requirements in its Policy.

49. A Territorial Authority is required to provide a decision within 30 working days from the date of an application: *Sections 100(3) of the GA and 95(2) of the RA.*

50. If it were required to give Public Notice of all applications Council would be unable to meet the statutory (mandatory) 30 working day timeframe.

51. The following internal administrative timeframes could not be met:

- Public notice could not be advertised in a reasonable timeframe in order to administer a timely decision;
- Objections arising from submissions could not be heard within this timeframe, and officers' reports could not be presented in time for a hearing, nor could a decision be delivered on the application within the statutory timeframe.
- Other administrative concerns include:
  - Reports to council must be submitted three weeks before a scheduled meeting, and Council officers would not have sufficient time to do so and provide a decision within the statutory timeframe.
  - Community and Services Committee are scheduled to meet every six weeks and an application would not be presented to the Committee in time to make a decision within the statutory timeframe.
  - While an emergency committee could be called, it would be a further administrative burden to do so, at great cost, for no benefit, particularly when the Act does not require it.

52. Community involvement is more appropriate at the time the Policy is amended, in accordance with the purpose and intent of the Act (and in accordance with the principles of s 83 of the Local Government Act 2002), where public consultation is mandatory: *Section 102(2) of GA.*

53. As public notice of an application is not required under the GA and RA, Council's principle objective, when processing a TA consent application, is in meeting its statutory obligations under the Act/s: *sections 100(3) of the GA and 95(2) of the RA.*
54. On balance, it is recommended that the requirement for public notice be removed from the policy. This will ensure the council is able to meet its statutory obligation while ensuring community voice can still be captured through any consultation on the policy review and where public consultation is mandatory through section 102(2) of the GA.

### **Additional Considerations**

#### **Cap on EGMs**

55. Territorial Authorities may choose to adopt a 'cap' on the number of EGM or venues within their district. This means Council can impose maximum number of EGM or venues in the Policy. The maximum number may be the same, more, or less than the number that it is currently operating.
56. A maximum number of EGM or venues (**CAP**) may be applied to the whole district, specific zones, or by ward<sup>8</sup>.
57. Alternatively, Territorial Authorities may decide not to consent to any new venues being established in their area (**Sinking Lid Policy**).
58. A sinking lid policy means that once a class 4 gambling venue closes, the Council will not issue any other society consent to replace that venue<sup>9</sup>.
59. The number of EGMs and Class 4 Venues has reduced in the District. As such, there is no need for the Policy to require any further restrictions on the number of EGMs or Class 4 Venues.

#### **Application Fee**

60. The GA and RA do not specifically provide for Council to charge an administration fee for the processing of applications under the Acts. Without such explicit provisions, Council cannot charge the Applicant what are fair and reasonable costs to administer the application. In order to appropriately apportion reasonable costs, Council must undertake a Special Consultative Procedure (SCP) under the LGA.
61. To date, Council has generally required an application fee (fee) of \$500 to be paid by an applicant. The Fee reasonably covers the administrative costs incurred by Council in complying with its obligations under the GA and RA and complies with the principles for charging fees under sections 82 and 83 of LGA.
62. On that basis, a resolution is required to formally to include the charging of a fee for applications in the SCP in accordance with ss 82 and 83 of the LGA.

#### **OPTIONS**

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

<sup>8</sup> <https://www.dia.govt.nz/Gambling-territorial-authorities-policy-review-process-drafting-policy>

<sup>9</sup> <https://www.dia.govt.nz/Gambling-territorial-authorities-policy-review-process-drafting-policy>

64. **Option 1:** that Council endorse the draft Class 4 Gambling and TAB Venue Policy 2023 for consultation following the Special Consultative Procedure. Note that it is open to Council to recommend changes to the draft bylaw as part of this option.

*Advantages:*

- 65. Council will meet its legislative requirement to review these policies every three years.
- 66. Administrative inefficiencies will be minimised resulting in Societies being permitted to operate gaming machines at new venues and relocate gaming machines within the parameters set out in the Policy, without unnecessary bureaucracy.
- 67. The potential for administrative duplication will cease by removing the requirement for Societies to provide information to Council as well as to the DIA. The current regime has the potential to increase costs to Council and tie up valuable human resources in administering the process for no apparent benefits.
- 68. Funding for local community groups will remain assured, with an opportunity for growth in funding to benefit other community groups.
- 69. Council will be able to meet its statutory timeframe requirements to deliver decisions on Applications within 30 working days.
- 70. Public notification and the submissions process will ensure that the Policy meets the criteria under the GA and RA and provides for community involvement.
- 71. Council will be able to recoup reasonable administrative costs through application fees.

*Disadvantages:*

- 72. There could be an increase in the number of gaming machines in the district which could potentially increase gambling related harm in the District.
  - 73. People in the community may consider that there is less opportunity for their voices to be heard throughout the process.
74. **Option 2** that Council not endorse the draft Class 4 Gambling and TAB Venue Policy 2023 for consultation following the Special Consultative Procedure.

*Advantages:*

- 75. Further resource is not required to progress this work and the existing policy continues to have effect.

*Disadvantages:*

- 76. The Council will be in breach of its legislative obligations to review these policies every three years.
- 77. There could be an increase in the number of gaming machines in the district which could potentially increase gambling related harm in the District.
- 78. The current policy is not updated meaning that:

- i. Council is less likely to meet its legislative obligations for statutory timelines in delivering a decision on applications;
- ii. Council will not have appropriate legal basis for charging a reasonable administrative fee for applications.
- iii. Unnecessary administrative burdens and delays in processing could continue to apply to Societies and Others who apply for Venue 4 Gambling Licences.

79. This report recommends **Option 1** for the following reasons:

- a) Council is required to review these policies every three years and the current review ensures they are up-to-date and fit-for-purpose.
- b) The restrictions under the current policy appear to be effective as there has not been any successful application for a new gaming venue in ten years, with only one successful relocation application.
- c) Even without a cap or sinking lid policy, there is a natural reduction in the number of venues in the district resulting in less opportunity for the community to take part in gambling.
- d) The policy would allow applications to be made to establish new venues which in turn could provide additional funding to the community.
- e) Council's administrative burdens and costs would be reduced by:
  - i. Removing the need to hold information on file where it has already been provided to the appropriate statutory body;
  - ii. Removing the need to publicly notify each application where it is not statutorily obliged to do so;
  - iii. Fewer Officers will be required to administer the Policy.
- f) Application Fees can be charged back to the applicants, covering Council's reasonable administrative costs.

#### **Next steps**

80. If endorsed by Council, the draft policy will go out for public consultation 24 March 2023 to 30 April 2023.

81. It is intended that the written submissions received will be presented and a hearing on this matter for those that would like to present their submission verbally will take place in June 2023.

82. Staff would then present the draft policy to Council for deliberation and adoption at its 10 August 2023 meeting, and subject to its adoption would come into effect the following day.

#### **Consultation Process | Hātepe Matapaki**

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#### **Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka**

83. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because class 4 gambling contributes negatively to harm caused to the community but also increases the potential amount of funding available.

84. Those who Council considers to be affected by, or interested in, this matter are:

1. Residence and community groups of the Queenstown Lakes District;

2. Class 4 venue operators; and
3. Societies that own gaming machines; and
4. Problem gambling services.

85. This report seeks the Council's approval to undertake a Public Consultation process as required by section 102 of the Gambling Act 2003 and 97 of the Racing Industry Act 2020 on the changes proposed to the Class 4 Gambling and TAB Venue Policy.

86. This consultation process will comply with the requirements of section 83 of the Local Government Act 2002.

#### **Māori Consultation | Iwi Rūnaka**

87. The Council has not specifically consulted with iwi on this matter. However, given the disproportionate impact of gambling harm on Māori, officers will consult specifically with Kāi Tahu partners on the policy to fully understand its perspectives and concerns in detail.

#### **Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka**

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88. This matter relates to the Community & Wellbeing risk category. It is associated with RISK00006 Ineffective Management of Social Nuisance Issues within the QLDC Risk Register. This risk has been assessed as having moderate inherent risk rating.

89. The approval of the recommended option will support the Council by allowing it to retain the risk at its current level. This can be achieved by ensuring the proposed policy complies with legislative requirements under both the Gambling Act 2003 and the Racing Industry Act 2020.

#### **Financial Implications | Kā Riteka ā-Pūtea**

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90. There are no financial implications to Council as a result of a decision on the preferred option or subsequent two other options – except to say that Council would have a legal basis to charge a reasonable fee for its administration of the GA and RA, and recoup any costs in doing so.

#### **Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera**

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91. The following Council policies, strategies and bylaws were considered:

- 'Thriving People', 'Pride in Sharing our Places' and 'Opportunities for All' principles of the Vision Beyond 2050 have been considered.
- Class 4 and TAB Gambling Venue Policy.
- Significance and Engagement Policy.

92. The recommended option is consistent with the principles set out in the named policy.

93. This matter is not included in the Ten-Year Plan/Annual Plan as there are no financial implications as a result of the policy review.

## Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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94. Sections 101 of the GA and 96 of the RA requires a territorial authority to adopt a class 4 venue and TAB venue policy. Once a policy is adopted, it is required to be reviewed every three years. as required under section 102 of the GA and section 97 of the RA.

95. Legal advice was obtained regarding the removal of public notification of a societies intent in establishing a class 4 gambling venue. As it is not a requirement under legislation, legal advice was that this be removed as the paramount consideration is that Council meet its statutory obligations, namely that it provides decisions in accordance with the statutory timeframes set out in legislation.

## Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

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96. The recommended option provides for the following:

- No funding is required under the Ten-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

## Attachments | Kā Tāpirihaka

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A	Supporting information to Council Report
B	Current Policy – Class 4 and TAB Gambling Venue Policy 2018
C	Proposed Policy – Class 4 Gambling and TAB Venue Policy Review 2022
D	Statement of Proposal