

REVIEW OF THE GAMBLING AND TAB VENUE POLICY

COPY FOR PUBLIC INSPECTION

SUBMISSIONS CLOSE 29 JANUARY 2010

FURTHER INFO:

POLICY – BRUCE HALLIGAN

LODGING A SUBMISSION - VIRGINIA DILLON



APPENDIX 1**SUMMARY OF INFORMATION IN THE STATEMENT OF PROPOSAL****SOUTHLAND DISTRICT COUNCIL GAMBLING AND TAB VENUE POLICY REVIEW**

The Council is required to complete a review of its Gambling and TAB Venue policy by 18 March 2010 in terms of the Gaming Act 2003.

Public consultation is to be undertaken in terms of Section 83 of the Local Government Act 2002 with a copy of this statement being forwarded to:

- Each society that holds a Class 4 venue licence for a venue within the area of the Southland District Council.
- Ngāi Tahu through Te Ao Mārama Incorporated, who in turn may consult with other Māori organisations.

The Statement of Proposal contains the Southland District Council Gambling and TAB Venue Policy, and submissions are invited on this draft, closing 29 January 2010.

Submitters will be invited to appear before Council in support of their submission on Wednesday, 24 February 2010.

Copies of the Statement of Proposal are available from any office of the Southland District Council.

David Adamson
CHIEF EXECUTIVE
25 October, 2006.

STATEMENT OF PROPOSAL

SOUTHLAND DISTRICT COUNCIL GAMBLING AND TAB VENUE POLICY

This Statement of Proposal relating to the Southland District Council Gambling and TAB Venue Policy has been prepared to provide compliance with the provisions of Section 83(1)(a)(ii) of the Local Government Act 2002.

Section 102(5) of the Gambling Act 2003, requires the Southland District Council to undertake a review of the Southland District Council Gambling and TAB Venue Policy, and complete this review by 18 March 2007.

Council is required to undertake this review in accordance with the special consultative process provided for in Section 83 of the Local Government Act 2002.

Section 83 of the Local Government Act, 2002 provides:-

83 Special consultative procedure

- (1) *Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—*
- (a) *prepare—*
 - (i) *a statement of proposal; and*
 - (ii) *a summary of the information contained in the statement of proposal (which summary must comply with section 89); and*
 - (b) *include the statement of proposal on the agenda for a meeting of the local authority; and*
 - (c) *make the statement of proposal available for public inspection at—*
 - (i) *the principal public office of the local authority; and*
 - (ii) *such other places as the local authority considers necessary in order to provide all ratepayers and residents of the district with reasonable access to that statement; and*
 - (d) *distribute in accordance with section 89(c) the summary of the information contained in the statement of proposal; and*
 - (e) *give public notice, and such other notice as the local authority considers appropriate, of the proposal and the consultation being undertaken; and*
 - (f) *include in the public notice a statement about how persons interested in the proposal—*
 - (i) *may obtain the summary of information about the proposal; and*
 - (ii) *may inspect the full proposal; and*
 - (g) *include in the public notice a statement of the period within which submissions on the proposal may be made to the local authority; and*
 - (h) *ensure that any person who makes a submission on the proposal within that period—*
 - (i) *is sent a written notice acknowledging receipt of that person's submission; and*
 - (ii) *is given a reasonable opportunity to be heard by the local authority (if that person so requests); and*

- (i) ensure that the notice given to a person under paragraph (h)(i) contains information—
 - (i) advising that person of that person's opportunity to be heard; and
 - (ii) explaining how that person may exercise that person's opportunity to be heard; and
 - (j) ensure that, except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every meeting at which submissions are heard or at which the local authority, community board, or committee deliberates on the proposal is open to the public; and
 - (k) subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on the proposal available to the public.
- (2) The period specified in the statement included under subsection (1)(g) must be a period of not less than 1 month beginning with the date of the first publication of the public notice.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any submission or both.

The Statement of Proposal contains the Southland District Council Gambling and TAB Venue Policy. No changes have been made to the 2007 Policy.

Following Council adopting this Statement of Proposal it is intended that it be made available for inspection at all Council offices.

It is also intended that the summary of the information contained in the Statement of Proposal be forwarded to each society that holds a Class 4 venue licence for a venue within the area of the Southland District Council and Ngāi Tahu through Te Ao Mārama, who in turn may consult with other Māori organisations.

Public Notice is to be given of the proposal and the consultation being undertaken on Saturday, 12 December 2009, with submissions closing on Friday, 29 January 2010.

Submitters will be invited to appear before Council, to speak in support of their submissions on Wednesday, 24 February 2010..

The requirement to develop a Policy is contained within Section 101 of the Gambling Act 2003, which provides:-

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.
- (4) In determining its policy on whether Class 4 venues may be established in the territorial authority district, where any venue may be located, and any restrictions on the maximum number of gaming machines that may be operated at venues, the territorial authority may have regard to any relevant matters, including:

- (a) *the characteristics of the district and parts of the district:*
- (b) *the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:*
- (c) *the number of gaming machines that should be permitted to operate at any venue or class of venue:*
- (d) *the cumulative effects of additional opportunities for gambling in the district:*
- (e) *how close any venue should be permitted to be to any other venue:*
- (f) *what the primary activity at any venue should be.*

The reviewed Policy will be required to reflect the same controls as the original Policy.

The following Draft Gambling and TAB Venue Policy is part of the Statement of Proposal prepared to satisfy the requirements of Section 83 of the Local Government Act 2002.

David Adamson
CHIEF EXECUTIVE

9 December 2009

POLICY: **GAMBLING AND TAB VENUE POLICY**

GROUP RESPONSIBLE: Regulatory Services

DATE APPROVED:

DATE AMENDED:

FILE NO: 140/20/1/3 10/1/8/9

POLICY DETAIL:

OBJECTIVES

1. To control the growth of gambling.
2. To prevent and minimise the harm caused by gambling, including problem gambling.
3. To facilitate community involvement in decisions about the provision of gambling.

GENERAL CONDITIONS

4. A society must seek and obtain a Class 4 gambling venue consent from Council before it may:
 - (a) increase the number of gaming machines that may be operated at such a venue; or
 - (b) Commence operating gaming machines at a venue that was not on any society's licence within the previous six months; or
 - (c) Commence operating gaming machines at any venue for which a licence was not held on 17 October 2001; or
 - (d) Continue to operate gaming machines at any venue that was not subject of a licence on 17 October 2001, but has been subject of a licence after 17 October 2001 and before 19 September 2003.
5. The New Zealand Racing Board must seek and obtain the consent of the Council if it intends to establish a stand-alone Board venue or TAB for sport and race betting.
6. An application for Council consent under this Policy must:
 - (a) Meet the application conditions specified in this Policy; and
 - (b) Meet the fee requirements specified in this Policy.

CONSENT FOR A GAMBLING AND TAB VENUE

7. Council will grant a consent for a Class 4 gambling or TAB venue licence when the following conditions are met:
 - (a) New gambling venues shall be permitted a maximum of nine (9) gaming machines.
 - (b) Existing gambling venues with licences issued after 17 October 2001, and operating fewer than nine (9) gaming machines, shall be permitted to increase the number of gaming machines to nine (9).
 - (c) Existing gambling venues with licences issued prior to 17 October 2001, may continue to operate the number of machines licensed as at 17 October 2001, and where that number is fewer than nine (9) gaming machines, shall be permitted to increase the number of gaming machines to nine (9).
 - (d) Existing club venues, following the amalgamation of two or more clubs, shall be permitted to operate up to the aggregate number of machines previously operated, or eighteen (18), whichever is the lesser.
 - (e) Any application for consent for a TAB venue must comply with the provisions of the Southland District Plan, or the applicant must seek resource consent from Council.

APPLICATIONS FOR CONSENT

8. All applications for consent must be in writing.
9. All applications will incur a fee, to be known as the Gambling and TAB Venue Consent Fee, which will be prescribed by Council pursuant to Section 150 of the Local Government Act 2002. This fee will cover the cost of processing the application.
10. The fee shall be \$112.50 (inclusive of GST).
11. Council has thirty (30) working days in which to determine an application for consent.
12. The decision will be made at Officer level pursuant to delegated authority and based on the criteria detailed in this Policy.

COMMENCEMENT OF POLICY

13. This Policy has been adopted by Council following the special consultative procedure prescribed by the Local Government Act 2002.
14. This Policy is effective from 18 March 2007.