

23. 11. 2006

**COUNCIL HEARINGS PANEL
(GAMING VENUE AND TAB POLICY)
22, 25 SEPTEMBER, 2 AND 3 OCTOBER 2006**

**A meeting of the Council Hearings Panel
was held on Friday 22 September, Monday 25 September,
Monday 2, Tuesday 3 and Wednesday 25 October 2006**

PRESENT:

22 September 2006

Deputy Mayor, Councillor Carole Evans (Chairperson).
Councillors Sally Buck, Graham Condon, Pat Harrow,
Bob Shearing and Norm Withers.

25 September 2006

Deputy Mayor, Councillor Carole Evans (Chairperson).
Councillors Sally Buck (from 9.20am), Graham Condon,
Pat Harrow, Bob Parker, Bob Shearing and Norm Withers.

2 October 2006

Deputy Mayor, Councillor Carole Evans (Chairperson).
Councillors Helen Broughton, Sally Buck, Graham Condon,
Pat Harrow, Bob Parker and Bob Shearing.

3 October 2006

Deputy Mayor, Councillor Carole Evans (Chairperson).
Councillors Helen Broughton, Sally Buck, Graham Condon,
Pat Harrow, Bob Parker and Bob Shearing

25 October 2006

Deputy Mayor, Councillor Carole Evans (Chairperson).
Councillors, Graham Condon, Norm Withers, and Bob Shearing

The Panel reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. PROPOSED CHANGES TO GAMING VENUE AND TAB POLICY

CONSIDERATION OF SUBMISSIONS

At its meeting on Friday 22 September 2006 the Council resolved:

- (a) To revoke a resolution previously adopted by the Council on 25 May 2006 providing for the submissions on the proposed Gaming Venue and TAB Policy 2006 to be considered and heard by the full Council.
- (b) To instead appoint a hearings panel comprising Councillors Carole Evans, Sally Buck, Graham Condon, David Cox, Pat Harrow, Bob Parker, Bob Shearing and Norm Withers for the purpose of hearing the submissions, and reporting to the Council thereon.

Following the conclusion of the foregoing Council meeting, the hearings panel then considered a staff report analysing the submissions on the proposed changes to the policy.

A summary of the submissions is attached to this report as Appendix 1. A number of persons and organisations appeared in person in support of their submissions.

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DISCUSSION

The hearings panel considered amongst other matters the number of Class 4 gaming machines in Christchurch City, compared with other centres. In June 2006, Christchurch had 2,007 gaming machines, which comprised 9.7% of the national total. This percentage is the highest in New Zealand and is followed by Auckland City which had 1,656 machines or 8.0% of the national total. A similar situation exists in regard to sites, with 141 sites in Christchurch City (8.3% of the national total) heading the country followed by Auckland City with 134 sites (7.9% of the national total). Overall, Christchurch had 55.8 machines per 10,000 people compared with the whole of New Zealand ratio of 50.4 machines per 10,000 people.

Council officers were requested to investigate and report back to the Hearings Panel on:

- The possible introduction of restrictions on the ability of an operator to transfer gaming machines to new premises in a nearby area, where the original building is demolished or otherwise disposed of.
- The possible introduction of limitations on the number of machines located in communities identified as having a high deprivation index.
- The desirability of entering into consultation with Ngai Tahu regarding the relevance of control measures on machines located in local iwi areas.
- The possible imposition of restrictions on TAB operations.
- The desirability of commissioning independent research on the operation of gaming machines in the city.

The panel considered a draft policy document prepared by the officers relating to the possible transfer of gaming machines from one venue to another, in restricted circumstances, as requested above. These suggestions were:

2. *The Christchurch City Council will grant consent for a class 4 venue licence under the Gambling Act 2003 if the applicant:*
 - (a) *has an existing class 4 venue licence; and*
 - (b) *is forced to vacate the existing venue through the demolition or destruction of the building, or the termination of, or refusal to renew, any lease by the landlord.*
3. *The Christchurch City Council will refuse to grant a consent to allow an existing class 4 venue to move to a new location unless the Council is satisfied that:*
 - (a) *the new venue is located within same locality as the existing venue, that is, it is in the same or immediately adjacent NZ Census mesh block, except that the new venue cannot be located in a census area unit with a NZDep01 decile score of 5 to 10 of the NZ Index of Deprivation 2001¹, unless the area is in the Central City Business Zone under the City Plan; and*
 - (b) *the total number of machines that will operate at the venue will be the lesser of the number being operated at the existing venue, or 9.*

¹ **Salmond, C.** and Crampton, P. *NZDep2001 Index of Deprivation*. Wellington, Ministry of Health, <http://www.moh.govt.nz> (2002)

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The panel concluded that providing for the transfer of gaming machines to new venues would not fulfil the purposes of the Act to control the growth of gambling and could create difficulties of a commercial nature in that gaming machines would become a tradable item. The panel therefore concluded that the draft policy should be amended by deleting any provision for the transfer of gaming machines. A revised policy which reflects the recommendations made by the hearings panel is therefore attached to this report as Appendix 2. The hearings panel received legal advice that the policy recommended for adoption is within the powers of the Council, as it effectively represents one of the options included in the consultation process.

CONCLUSION

The panel therefore concluded that the Council should adopt option 4, which provides for the retention of the Council's current policy, subject to the deletion of the provision relating to applications for consent under section 98(d) of the Gambling Act 2003, as this provision is now redundant.

HEARINGS PANEL RECOMMENDATIONS

It is recommended:

1. That the Council adopt the policy set out in Appendix 2, such policy representing the continuation of the Council's present policy, with the deletion of the former provision relating to applications for consent under section 98(d) of the Gambling Act 2003, as such provision is now redundant.
2. That the Council make representations to central government seeking:
 - A more effective legislative and national policy framework, aimed at reducing gambling harm.
 - The provision of support and funding to territorial authorities for the development of:
 - Gambling venue policies
 - Social, economic and/or health impact assessment and monitoring programmes
 - Processes to facilitate community involvement in decisions about the provision of gambling
 - Legislative changes to permit territorial authorities to review and where necessary cancel gaming venue consents, or to stipulate a fixed expiry date for such consents.
 - A review of the framework for the distribution of gambling profits, including the possible introduction of a central government control system similar to lottery grants and/or the establishment of distribution authorities comprising members elected by the local community.
 - A greater emphasis on a public health approach in addressing gambling harm, including initiatives aimed at increasing community awareness of risks, building community resilience and supporting community action.
 - A review of the costs and benefits of funding community initiatives through gambling proceeds, including the risks associated with reducing such funding.
 - A downscaling of gaming opportunities in New Zealand.
 - Central government funding for organisations set up to monitor and mitigate the effects of gambling on the community.

CONSIDERED THIS 23RD DAY OF NOVEMBER 2006

MAYOR