

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 13 December 2018
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Policy Review - TAB Board Venue Policy Supplementary Report

Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

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Governance Manager

7 December 2018

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Council Report

Item 25

Committee: Council **Date:** 13 December 2018
Author: Riki Manarangi **Authoriser:** Jen Baird
Position: Corporate Policy Specialist **Position:** General Manager City Growth
Report Name: Policy Review - TAB Board Venue Policy

Report Status	<i>Open</i>
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Purpose

1. To meet legislative requirements under the Racing Act 2003 (**the Act**) in relation to completing a review of the Council's TAB Board Venue Policy (**Council's Policy**).

Staff Recommendation

2. That the Council approves that the TAB Board Venue Policy remain unamended and that the next 'review by' date be December 2021.

Background and Discussion

3. Councils are required to have a policy on (TAB) Board venues (s65E(1)) to determine whether new Board venues may be established within their city/district, and if so, where they may be located (s65D(3) the Act).
4. The Council's existing Policy (adopted in March 2016) outlines that no new venues may be established and both existing venues (Te Rapa TAB and Frankton TAB) are not permitted to relocate.
5. Although Council's Policy can prohibit new venues and can restrict locations, the Act does not permit any amendments to the Policy to close either of the existing venues.
6. There is a legislative requirement to complete a review of Council's Policy within three years of adoption (s65E(5) the Act).
7. Tompkins Wake has confirmed that the Council is legally able to resolve that the policy continue unamended following review without the need to use the Special Consultative Procedure (**the SCP**). Doing this will entail no further cost beyond the \$2,000 cost for this report.
8. The Council also has the option to amend the Council's Policy; however, any amendments to the policy must be made in accordance with the SCP (65E(2) the Act) which would require:
 - a minimum one-month public consultation and;
 - the requirement to provide an opportunity for submitters to be heard (e.g. a hearing).

9. The estimated cost to undertake any amendment give the SCP requirement will entail an additional \$8,000-\$10,000 (estimated) depending on:
 - the proposed changes and;
 - the number of submissions received and;
 - the number of submitters wishing to be heard.
10. The Council may also decide to use the SCP if it believes the communities' views on TAB Board Venue Policy may have changed since adoption in March 2016.
11. Given the Policy is the most restrictive policy possible under the Act, if the Council were to consult on the Policy, it could only ask the community if it deemed the Policy to be too restrictive and request any suggestions they would have to make it less restrictive.
12. Staff recommend that the Council resolve that Council's Policy continue unamended as the outcome of this review given:
 - the policy is restrictive and working as intended
 - community views were captured on Council's existing policy given the SCP was undertaken to adopt the policy in March 2016
 - the Council has no powers in relation to over TAB kiosk machines and TAB online gaming
 - the (2018) Class 4 Gambling Venue Policy review provided the Council with a view on gambling from the community
 - community views are known on gambling via elected members as the elected representatives of the community.

Financial Considerations

13. The costs to review the policy up to and including this report is \$2,000 of staff time.

Legal and Policy Considerations

14. The staff recommendation complies with the Council's legal requirements.

Cultural Considerations

15. The restrictive policy reduces the harmful impact of gambling on the Maaori community.

Risk

16. There are no known risks associated with the decisions required for this matter.

Significance and Engagement

17. Staff consider the decision in this report has low significance, that the SCP is not required to continue the policy unamended.

Attachments

Attachment 1 - TAB Board Venue Policy

First adopted:	8 March 2004
Revision dates/version:	31 March 2016 / Revision 7
Next review date:	18 March 2019
Engagement required:	SCP
Document number:	D-1984771
Associated documents:	Racing Act 2003
Sponsor/Group:	City Growth

TAB Board Venue Policy

Purpose and scope

1. To control the growth of gambling in Hamilton City within the scope of the Racing Act 2003, while allowing those who wish to participate in sports or racing gambling to do so.
2. To minimise the harm caused by gambling, including problem gambling in Hamilton city.
3. To reflect the views of local communities in respect of the provision of gambling in Hamilton city

Definitions

Definition	Detail
Board venues	Premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act).
Premises	Building in which a Totalisator Agency Board (TAB) venue is located.

Policy

4. From the date this Policy comes into force, no further TAB venues may be established in Hamilton City.
5. Existing TAB venues (as outlined in Schedule 1) are not permitted to relocate from one premises to another.
6. Signage on TAB venue sites may include corporate colours, logos, and signage but not include details of individual gambling promotions.
7. Board venues may also host Class 4 gaming machines subject to Council's Class 4 Gambling Venue Policy and to compliance with s 33(3) of the Gambling Act 2003.

Schedule 1 - TAB Venues (existing at the time of policy adoption)

8. Te Rapa TAB (618 Te Rapa Rd) and
9. Frankton TAB (20 King St).