

## Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Hearings and Engagement Committee will be held on:

**Date:** Wednesday 20 September 2023  
**Time:** 9:30 am  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Lance Vervoort  
Chief Executive

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## Regulatory and Hearings Committee

### *Komiti Whiriwhiri Kaupapa*

### OPEN AGENDA

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#### Membership

**Chairperson** Cr Mark Donovan  
*Heamana*

**Deputy Chairperson** Cr Ewan Wilson  
*Heamana Tuarua*

**Members**

Deputy Mayor Angela O’Leary	Cr Anna Casey-Cox
Cr Maxine van Oosten	Cr Melaina Huaki
Cr Moko Tauariki	Cr Geoff Taylor
Cr Louise Hutt	Cr Andrew Bydder

**Meeting frequency** As required

**Quorum** Three members (for matters relating to those functions in paragraph 3 and 4 of the TOR or a majority of members (including vacancies) for all other functions).

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Amy Viggers  
*Mana Whakahaere*  
Governance Lead

**12 September 2023**

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## **Purpose**

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate advisory groups or panels on matters referred by other Committees.

<b><i>The Regulatory and Hearings Committee is delegated the following Terms of Reference and powers:</i></b>
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## **Terms of Reference:**

3. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
  - objections under the Dog Control Act 1996; *\*see special note*
  - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
  - proposals for temporary closure of any road. *\*see special note*
4. Consider and determine traffic and speed limit related matters, including those detailed in the Traffic Bylaw and Speed Management Plan, including hearing any submissions relating to those proposed changes. *\*see special note*
5. Hear and determine matters arising under current bylaws and policies, including applications for dispensation from compliance with the requirements of bylaws or policies, unless such matters are otherwise delegated by Council.
6. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

## **The Committee is delegated the following powers to act:**

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of the establishment of hearings panels and their terms of reference.

## **The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to the Council.
- The Committee may make recommendations to Committees.

## **Special Notes:**

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.
- The following Hearings Panels have been established:
  - Dog Control Hearings Panel
  - Traffic, Speed Limit and Road Closure Hearings Panel

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**1 Apologies – *Tono aroha***

**2 Confirmation of Agenda – *Whakatau raarangi take***

The Committee to confirm the agenda.

**3 Declaration of Interest – *Tauaakii whaipanga***

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

# Council Report

Item 4

**Committee:** Regulatory and Hearings Committee

**Date:** 20 September 2023

**Author:** Arnold Andrews

**Authoriser:** Michelle Hawthorne

**Position:** Governance Advisor

**Position:** Governance and Assurance Manager

**Report Name:** Confirmation of the Regulatory and Hearings Open Minutes of 22 August 2023

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Regulatory and Hearings Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 22 August 2023 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Regulatory and Hearings Committee Open Unconfirmed Minutes 22 August 2023

## Regulatory and Hearings Committee *Komiti Whiriwhiri Kaupapa* OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in the Council Chamber and via Audio Visual Link, Municipal Building, Garden Place, Hamilton on Tuesday 22 August 2023 at 9.30am.

### PRESENT

**Chairperson** Cr Mark Donovan  
*Heamana*

**Deputy Chairperson** Cr Ewan Wilson  
*Heamana Tuarua*

**Members**  
Deputy Mayor Angela O’Leary  
Cr Maxine van Oosten  
Cr Moko Tauariki (via Audio Visual Link)  
Cr Louise Hutt  
Cr Anna Casey-Cox  
Cr Melaina Huaki  
Cr Geoff Taylor  
Cr Andrew Bydder

**In Attendance:**  
Helen Paki – General Manager Customer and Community  
Aimee Haycock - Parks Planner, Community Services  
Maria Barrie - Unit Director, Parks & Recreation

**Governance Team:**  
Michelle Hawthorne – Governance & Assurance Manager  
Amy Viggers – Governance Lead  
Nicholas Hawtin and Arnold Andrews – Governance Advisors  
Corey Bruntlett - Governance & Elected Member Support Coordinator

6. **Apologies – *Tono aroha***  
There were no apologies.
7. **Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Cr Donovan/Cr Wilson)  
That the agenda is confirmed.
8. **Declarations of Interest – *Tauaakii whaipaaanga***  
No members of the Committee declared a Conflict of Interest.

4. **Confirmation of the Regulatory and Hearings Open Minutes of 26 April 2023**

**Resolved:** (Cr Wilson/Cr van Oosten)

That the Regulatory and Hearings Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 26 April 2023 as a true and correct record.

5. **Ashurst Park Partial Reclassification**

[Alyse Sharpe](#) spoke (via Zoom) to their submission in support of the partial reclassification and outlined the history of Pukete Neighbourhood House, learnings from the Western Community Centre, and potential public transport routes.

[Dave Macpherson](#) spoke to their submission in support of the partial reclassification, in particular he highlighted the previous locations of Pukete Neighbourhood House and its purpose. He responded to questions from Elected Members concerning students from Te Rapa School and traffic impact learnings from Western Community Centre.

[Cherry McWhan](#) spoke to their submission in opposition of the partial reclassification. She noted her concerns with the potential effect of green space, safety and traffic. She responded to questions from Elected Members concerning redevelopment of the community centre and concerns regarding green space.

[Tracey Scott](#) spoke to their submission in opposition of the partial reclassification. She noted her concerns regarding potential commercial activity in the purpose-built structure, effect of the development on traffic, and the lack of public transport in the area. She responded to questions from Elected Members concerning alternative sites for Pukete Neighbourhood House, early involvement in the process, commercial activity, and the proposed opening hours for the community house.

[Craig Sittlington](#) spoke to their submission in opposition of the partial reclassification. He noted that he had concerns that there would be a negative impact on children, health of the community and generational use of the current facility. He responded to questions from Elected Members concerning other parks that can be used for the proposed structure.

[Neil Tolan](#) spoke to their submission in support of the partial reclassification. He outlined the potential positive impacts from the reclassification which included wellbeing and growth of the community, venue hires, social interaction and networking and volunteers. He responded to questions from Elected Members concerning effective rules to address concerns raised by other submitters, purpose of community centres, antisocial behaviour, school users of the community centre and activities at the Western Community Centre.

[John Miller \(1\) \(2\) \(3\) \(4\)](#) spoke to their submissions and in opposition of the partial reclassification. He outlined his concerns in particular the impact on current use of the green space, previous assurances, and his view of the park. He also noted that he had submitted a petition to Council to demonstrate the support he had received. He responded to questions from Elected Members concerning consultation process.

[Phil Evans \(1\) and \(2\)](#) spoke to their submissions in opposition of the partial reclassification. He noted that he was in support of John Miller's submission and raised concerns with the Pukete Neighbourhood House business case and staff reports.

[Dominic Shooter](#) spoke to their submission in opposition of the partial reclassification. He outlines his concerns with the impact of the staff proposal, commercialisation, green space, community centre and suggested other options be considered for the location of the Pukete Neighbourhood House. He responded to questions from elected members concerning the issue of location of the proposed structure and the potential impact on green space.

[Trish Thorne](#) spoke to their submission in opposition of the partial reclassification and noted her concerns with the work community houses undertake and location of the proposed structure.

[Jane Lawrence](#) spoke (via Zoom) to their submission in opposition of the partial reclassification and suggested the current building be upgraded to ensure a safe place for children instead of the new build.

**The meeting was adjourned 10.57am to 11.10am.**

[Philippa Vickery](#) spoke to their submission in opposition of the partial reclassification. She noted her concerns that the development would cause a negative impact on the vision of the city, loss of bird life and damage to the community spirit. She responded to questions from Elected Members concerning the proposed playground, and the existing Pukete Neighbourhood House.

[Vicki Shooter](#) spoke to their submission in opposition of the partial reclassification. She outlined her concerns with the location of the proposed site, noise and air pollution, loss of flora and fauna, green space, and potential safety for the community.

[Maurice Flynn](#) spoke to their submission in support of the partial reclassification. He noted their support of the Pukete Neighbourhood House in particular the universal design, Church Road entrance, bus stops and accessibility of the proposed site. He responded to questions from Elected Members concerning rights of the disability community, limited accessibility, and concerns to accessibility.

[Trish Walsh](#) spoke to their submission in opposition of the partial reclassification. She outlined her concerns with anti-social behaviour in the areas, lack of communication from Council, and suggested other options for the proposed community centre.

[Simon Fendall](#) spoke to their submission in opposition of the partial reclassification in particular the scale of the current and proposed site and proposed playground. He responded to questions from Elected Members concerning communication from Council and engagement campaigns about the subject.

[Christine Barlow](#) spoke to their submission in opposition of the partial reclassification. She noted that her concerns were green space, playground, ecosystem, and life as a resident of the area.

[Colleen Sittlington](#) spoke to their submission in opposition of the partial reclassification. She spoke to the history of Ashurst park, current proposal for community house, vandalism and destruction of property and green space. She responded to questions from Elected Members concerning recreational reserve and community driven work.

[Gordon Speirs](#) spoke to their submission in opposition of the partial reclassification in particular the importance of parks, reserves and recreational area.



[Martin Gallagher](#) spoke to their submission in support of the partial reclassification, in particular the need for a standalone facility, recreational facilities, and current location of the proposed structure. He responded to questions from Elected Members concerning reconciling the idea of removing green space for a community centre to be built.

[Cathy Quinn](#) spoke to their submission in opposition of the partial reclassification. She outlined her concerns with the Pukete Neighbourhood House, playground, traffic, accidents in the area, schools in the area and trees in the park.

[Jennifer Calley \(1\) and \(2\)](#) spoke to their submissions in support of the partial reclassification. She noted that the reason for her support was that the development would address social isolation, accessibility, building relationships, networks and sports facilities. She responded to questions from Elected Members concerning loss of green space, usage of the current facility and advantages to the disabled community from the proposed built.

[Melissa Smith](#) spoke to their submission in support of the partial reclassification. She highlighted parking, advantages of the proposed community centre, and accessibility to the current community centre. She responded to questions from Elected Members concerning communication and timeline of the community engagement process for proposed project.

[Scott Tiffany \(Pukete Neighbourhood House\)](#) spoke to their submission in support of the partial reclassification. He outlined the potential benefits of the new facility which included improved accessibility, universal design, reduction of crime and collective efficacy. He responded to questions from Elected Members concerning relocation of Pukete Neighbourhood House, funding, potential options, hours of operation and commercial activities.

**The meeting was adjourned 12.58pm to 1.05pm.**

[Robert Edmund Simms](#) spoke to their submission in opposition of the partial reclassification and highlighted potential access to buses and the historical decisions on the current site.

**The meeting was adjourned 1.13pm to 2.02pm.**

Elected Members requested the following matter be addressed in the deliberations report:

- concern of additional traffic in the area (what modelling has been completed) and any mitigations;
- the access lane status;
- the playground in particular what element of the playground would need to change if the location was updated;
- antisocial behaviour understanding;
- rights of neighbours when there is a change to the reserve in particular rights of the ratepayers judicial review process;
- other options that were considered including the effect on the sports field by alternate location;
- accessibility including the steepness of the hill and the proposed location;
- Green enhancement options;
- engagement with the community;
- evolution/history of the park;
- the proposed development including hours of operation, liquor license and parking;

- Ownership including if and when a centre is built what is the arrangement/difference between long lease or gifting;
- how does the option to build reconciles with other Council policies nature in the city, climate change; and
- Public Transport.

**Resolved:** (Cr Wilson/Cr Hutt)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) hears and considers verbal submissions arising from the submission period between 20 June and 21 July 2023; and
- c) notes that a deliberations report will be presented to the Community and Natural Environments Committee on 26 October 2023.

**The meeting was declared closed at 2:27pm.**

# Council Report

Item 5

**Committee:** Regulatory and Hearings Committee

**Date:** 20 September 2023

**Author:** Carmen Fookes

**Authoriser:** David Bryant

**Position:** Policy and Bylaw Advisor

**Position:** General Manager Business Services

**Report Name:** Class 4 Gambling Venues and TAB Venues Policies Engagement Report

<b>Report Status</b>	<i>Open</i>
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## Purpose - *Take*

1. To inform the Regulatory and Hearings Committee of the submissions received as part of the public consultation for the Class 4 Gambling Venues Policy and TAB Venues Policy.
2. For the Regulatory and Hearings Committee to hear and consider verbal submissions following consultation undertaken with the public.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Regulatory and Hearings Committee
  - a) receives the report;
  - b) hears and considers the submissions to the draft Class 4 Gambling and TAB Venues Policies; and
  - c) notes that the Deliberations and Approval report will be considered at the 24 November 2023 Community and Natural Environment Committee meeting.

## Executive Summary - *Whakaraapopototanga matua*

4. On 13 June 2023, the Community and Natural Environment Committee approved consultation to take place on the proposed Class 4 Gambling Venues and TAB Venues Policies.
5. The consultation period was open from 13 July to 13 August 2023.
6. Consultation took place with a wide range of individuals and organisations, including internal staff, public, business and industry, gambling funding recipients, and gambling harm organisations.
7. A total of 55 submissions were received during the consultation period. A full copy of the submissions is [available online](#).
8. As at 6 September 2023, 15 submitters wish to be heard. The report on Community engagement tactics and insights is provided as **Attachment 1**.
9. Staff consider the recommendations comply with the Council's legal requirements.

## Background - *Koorero whaimaarama*

10. The Gambling Act 2003 allows for growth of gambling to be controlled through Council's policies.
11. The Gambling Act 2003 requires councils to have a Class 4 Venues Policy ([s101](#) and [102](#)). The Racing Industry Act 2020 requires councils to have a TAB Venues policy ([s96](#)).
12. Both the Class 4 Gambling Venues and TAB Venues Policies are due for review by Council.
13. Under the Local Government Act 2002 (s83(1), there is a requirement to carry out the Special Consultative Procedure for both policies, which includes a minimum one-month public consultation and the provision of an opportunity for submitters to be heard (e.g. a hearing).
14. Casino gambling and online gambling are out of scope of this review and are covered by other central government legislation.
15. At the Community and Natural Environment Committee meeting of 13 June 2023, the Statement of Proposal was approved for the purpose of consultation. The consultation opened on 13 July 2023 and closed on 13 August 2023.
16. Currently, both the Class 4 Gambling Venues and TAB Venues policies are operating under sinking-lid policies, meaning that no new venues may be established. However, appropriate options were provided in the consultation document to further restrict the Class 4 Gambling Policy as well as ease the restrictions in both policies.
17. It is worth noting the [Gambling \(Harm Prevention and Minimisation\) Amendment Regulations 2023](#), which has been passed into legislation, adds additional requirements of Class 4 venues to further protect those engaging in Class 4 gambling at their venues.
18. In addition to the below, problem gambling awareness training must be provided to staff at Class 4 venues and must cover including mandatory practical and interactive sessions on how to interact with gamblers, identify signs of harm and provide gamblers with information on how they can seek help. This new legislation requires that as of 1 December 2023:
  - i. All venue staff who supervise gamblers must be trained, replacing the previous rule where a minimum of one harm minimisation trained person was required at the venue if gambling was available.
  - ii. Venue staff who are supervising gamblers must be trained in the new requirements, and this training must occur at least once per year.
  - iii. Clearer requirements around identifying harm - staff will have to conduct at least three physical observations (sweeps) of the gaming area per hour, these must be at least 10 minutes apart and they must be recorded. Venue managers are required to review these records weekly.
  - iv. Venue staff must have conversations with gamblers if they have been identified as showing certain signs of harm. The conversation is to assist with identifying whether the player is a problem gambler, and a record must be kept of these conversations.
  - v. New venue layout requirements to ensure easier monitoring of ATMs by staff from the main bar or service area, and to ensure that gaming machines generally are not visible from outside of the venues.
19. Casinos are not included in the scope of this policy and are regulated through section 10 of the Gambling Act 2003. Online gambling is similarly not regulated under either policy.

## Discussion - *Matapaki*

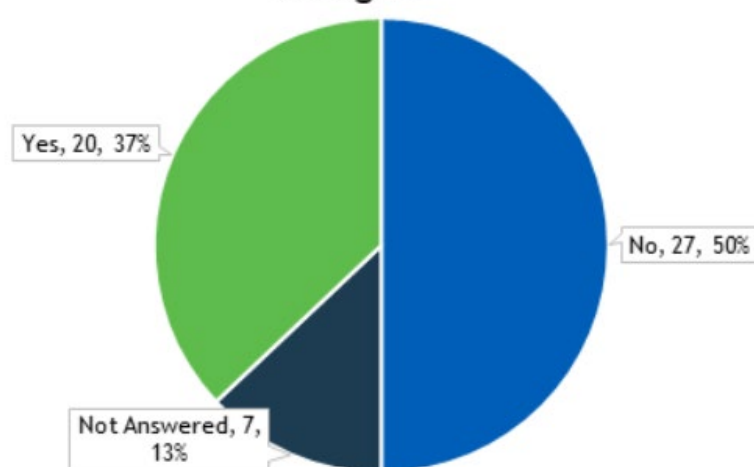
20. The public were invited to submit on the Statement of Proposal and the proposed Policies.

21. Council sought community feedback on the proposed Class 4 Gambling Venues and TAB Venues Policies.
22. The engagement campaign included workshops with staff and groups (including Elected Members), media releases, press adverts and social media promotion, emails to special interest groups and key businesses and industry, provision of material at Council Offices, Hamilton City Libraries, and online Haveyoursay.
23. A total of 55 responses were received between 13 July 2023 and 13 August 2023. A full copy of the submissions is [available online](#).
24. Of the submissions received, 28 were from individuals and 27 had identified that they were submitting on behalf of an organisation or group.
25. As of 6 September 2023, 15 submitters wish to be heard.
26. A community engagement tactics and insights report has been written outlining the tactics used to maximise engagement, the results of that engagement, the insights that came through the survey used, and demographic comparisons. The report can be found in **Attachment 1**.

#### **Class 4 Gambling Venues Policy**

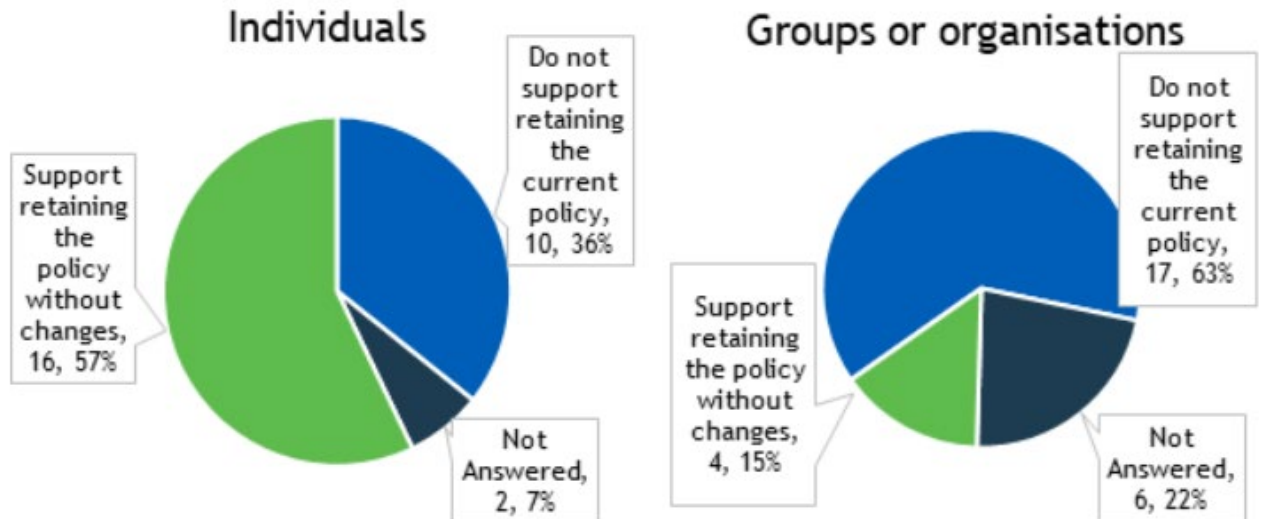
27. More respondents disagreed with the proposal to continue the Class 4 Gambling Venues Policy without any changes (27, 50%), than those who agreed (20, 36%) with Council's proposal.

**Do you agree with Council's proposal to continue the Class 4 Gambling Venues Policy without any changes?**



28. Of the 27 respondents that were opposed to Council's proposal on the Class 4 Gambling policy to continue the policy without any changes, 12 felt the policy was not strict enough, and 11 felt the current policy was too strict. More information is provided under the feedback from organisations and groups section.
29. On the Class 4 Gambling Venues proposal, when asked why people support or oppose the proposal, 48 of the 55 respondents provided comments. The top three key themes from respondents were:
  - i. Community and sports clubs rely heavily on funding from class 4 gambling machines and any restrictions towards these impacts their funding (20 comments)
  - ii. Supportive of removing the sinking lid policy and capping the number of venues instead (12 comments)
  - iii. Gambling can be harmful to families and communities (12 comments)

30. Individuals were more likely to support Council's proposal, compared to groups or organisations. 57% of individual respondents (16 of 28) were in support of retaining the current policy without changes, whereas only 15% (4 of 27) of those representing groups, businesses or organisations were in support (and 63% opposed).

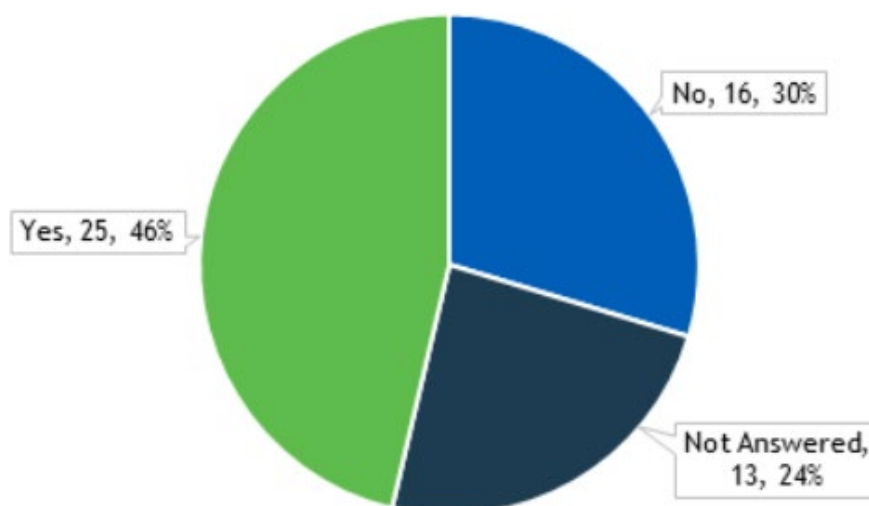


31. These differences were reflected in the commentary as well. 22 of the 28 individuals left comments as to why they supported or opposed Council's proposal to retain the policy without any changes. The top themes from individuals' comments were
- Gambling is harmful to families and communities (6 comments)
  - The current policy is fine as it is and does not require changes (6 comments)
  - There should be a complete restriction of gambling machines in venues (5 comments)
  - Community and sports clubs rely heavily on funding from class 4 gambling machines and any restrictions towards these impacts their funding (5 comments)
32. The comments' themes above show that most comments (17 of the 22 individuals' comments) favour maintaining or increasing provisions that restrict gambling harm.
33. In regard to the Class 4 Gambling individual respondents, half (14 of 28) of these reside in areas of higher socioeconomic deprivation.
34. 26 of 27 groups or organisations left comments. The top three key themes from those representatives were:
- Community and sports clubs rely heavily on funding from class 4 gambling machines and any restrictions towards these impacts their funding (15 comments)
  - Support for removing the sinking lid policy and capping the number of venues instead (11 comments)
  - Council should consider loosening the restrictions around locations of venues, and allow for relocation, moving or merging of venues (9 comments).

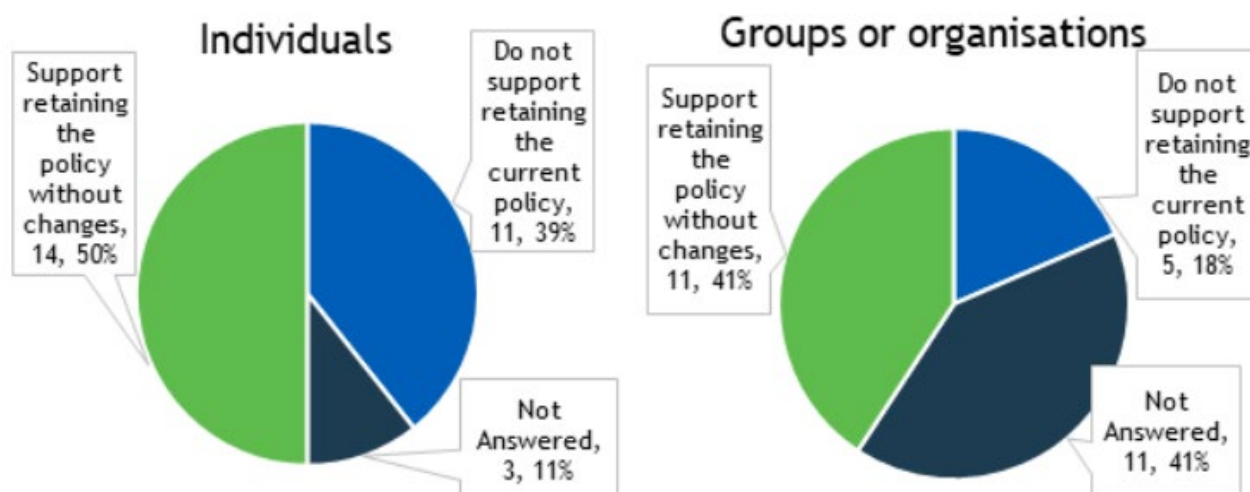
### TAB Venues Policy

35. Most respondents agreed with the proposal to continue the TAB Venues Policy without any changes (46%), and 30% disagreed with Council's proposal. There was a large proportion (24%) who did not answer this question which includes those who emailed in their submissions, and who wanted to only respond regarding the Class 4 Gambling Venues Policy.

Do you agree with Council's proposal to continue the TAB Venues Policy without any changes?



36. On the TAB Venues proposal, when asked why people support or oppose the proposal, 33 of the 55 respondents provided comments. The top key themes from respondents were:
- General support for Council's proposal to retain the policy in its current state (10 comments)
  - Concern around impacts on family and wider community harm (5 comments)
  - Concern around decreased funding for sports and community groups (4 comments)
  - Number of venues should be reduced further (4 comments)
  - The current policy works as it should and minimises gambling harm (4 comments)
37. Most individuals and groups and organisations supported Council's proposal to retain the TAB Policy without changes. 50% of individuals supported the proposal, compared to 39% of individuals who opposed it. While many groups and organisations did not answer (with some of these wishing to only submit to the Class 4 Policy), a larger proportion were in support of the proposal (41%) than those who opposed the proposal on the TAB policy (18%).



38. Due to the low number in each theme from total respondents, there were no discernible differences between those from individuals and groups/organisations.

### Options

39. No options are available for Council to consider at this stage because the purpose of this report is to hear the submissions made by the public. The options for the policy will be discussed at a future Community and Natural Environment Committee.

### Financial Considerations - *Whaiwhakaaro Puutea*

40. This is a regular operating activity funded through the Long-Term Plan.

### Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

41. Staff confirm that the matters within this report complies with the Council's legal and policy requirements.
42. The review of both the TAB Venues and Class 4 Gambling Venues Policies are consistent with the Gambling Act 2003.
43. Under the Local Government Act 2002 (s83(1)), there is a requirement to carry out the Special Consultative Procedure, which includes a minimum one-month public consultation and the provision of an opportunity for submitters to be heard (e.g. a hearing).

### Climate Change Impact Statement

44. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation.
45. Staff have determined no adaptation assessment is required.
46. Staff have determined no emissions assessment is required.

### Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

47. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').



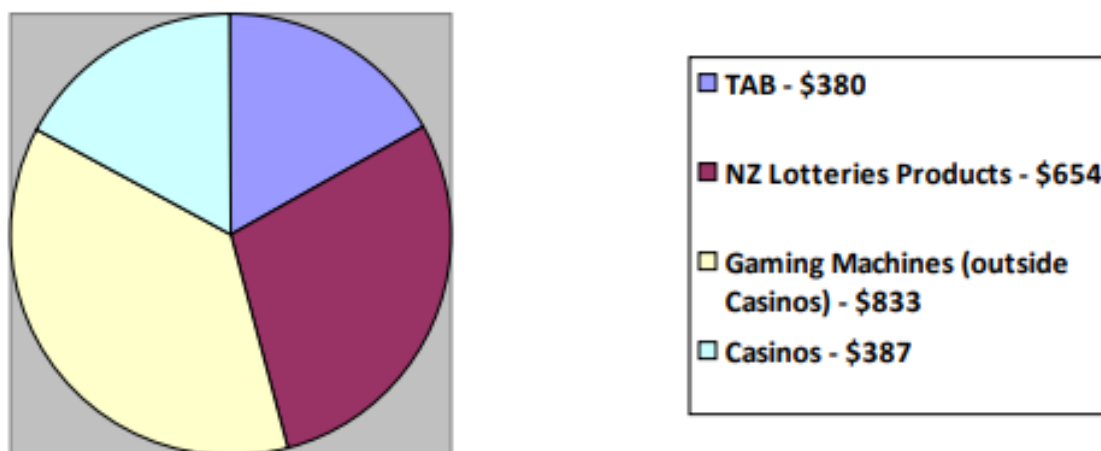
48. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
49. The recommendations set out in this report are consistent with that purpose.

## Social

50. Recreational enjoyment benefits of gambling are experienced by 7 out of 10 New Zealand adults annually. The nature of this enjoyment varies by individual and by game type, but can include socialising, relaxation, excitement, and dream of winning the jackpot.
51. There is also a positive benefit which comes from the Class 4 gambling funding, as they fund various community groups in the area. This funding largely goes to sporting groups, but does go to a variety of community groups.
52. The Health and Lifestyle survey in 2020 estimated that Nationwide, some 65,000 people aged 16 years or older were either at moderate or high risk (considered problem gamblers) of harm from gambling. A further 119,000 were considered as being low risk of harm, but would experience some form of gambling-related harm during their lifetime. 183,000 adults reported second-hand gambling harm in their wider families or households.
53. It is estimated that between 5 and 10 people are adversely impacted by one individual with problem gambling (through their various relationships).
54. According to Te Whatu Ora (2022), up to half of problem gamblers reported having experienced domestic or whaanau violence incidents related to their gambling.

## Economic

55. Through the operation of Class 4 venues and TAB venues, there are limited employment opportunities which are created.
56. The funding from Class 4 gambling funds provides economic support to the community and helps fund a variety of sporting and community groups.
57. The DIA estimated that in 2022, there was a total of \$27,221,839.66 spent on Class 4 gambling in Hamilton City.
58. Nationwide, the DIA has reported the gambling spend in 2022 (in \$M) as below:



## Environmental

59. Although the main recipients of Class 4 gambling funding are sports organisations, there are a number of environmental groups which receive funding benefits.

## Cultural

60. The Health and Lifestyle Survey in 2020 revealed that Maaori were 3.13 times more likely to be moderate-risk or problem gamblers than non-Maaori and non-Pacific people. Pasifika people were 2.5 times more likely to be moderate-risk or problem gamblers than non-Maaori and non-Pacific people.
61. Staff contacted local iwi and organisations which focus on Maaori and Pasifika health for their views on the current and proposed policies.

## Risks - *Tuuraru*

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

## Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

### Significance

63. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.

### Engagement

64. Community views and preferences are already known to the Council through the last review completed in 2019, where 94% of submitters on the Class 4 Gambling Policy were in favour of retaining the current policy.
65. Early engagement was undertaken with gambling harm organisations, various Class 4 venue holders, and other key groups. These groups and organisations have also been encouraged to provide feedback regarding the policies through the Special Consultative Process.
66. There is a statutory requirement to consult as per legislation outlined below.
67. Under the Local Government Act 2002 (s83(1)), there is a requirement to carry out the Special Consultative Procedure, which includes a minimum one-month public consultation and the provision of an opportunity for submitters to be heard (e.g. a hearing).
68. Consultation on these policies is set to occur from 11 July to 11 August 2023, and a hearing date has been organised accordingly.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Class 4 Gambling Venues and TAB Venues Policy Insights Report



## Class 4 Gambling Venues and TAB Venues Policies: SUBMISSION INSIGHTS REPORT

Report prepared by:  
Tegan Andrews, Senior Research and Insights Advisor  
Paris Miller, Communication and Engagement Advisor  
August, 2023

Report reviewed by:  
Dan Silverton, Team Leader, Communication and Engagement, Community and Corporate  
August, 2023

## OVERVIEW

Council is currently undertaking a review of two gambling policies, the Class 4 Gambling Venues Policy and the TAB Venues Policy, which are required to be reviewed every three years to ensure they are fit-for-future to reduce harm from gambling within our Hamilton Kirikiriroa community.

The Class 4 Gambling Venues Policy covers the rules and restrictions for venues with gambling machines in Hamilton Kirikiriroa. The current policy was adopted in 2004 and was last reviewed in 2019. It restricts the location of venues, the number of venues in Hamilton, and the number of gambling machines each venue can have.

The TAB Venues Policy (required by Racing Industry Act 2020) outlines the rules for venues in Hamilton Kirikiriroa that provide racing betting or sports betting services. The current policy was adopted in 2004 and last reviewed in 2018. Under the current policy, no new TAB venues can be established in Hamilton, and venues are not allowed to move premises.

Both policies are being reviewed together, but are separate policies. Council proposed to continue both the Class 4 Gambling Venues Policy and the TAB Venues Policy without changes to either policy. Please note that casino gambling and online gambling are not included in these policies and were not part of the review.

Feedback from the community was sought through an engagement on Have Your Say, along with hardcopies of the consultation at Council's Municipal Building and libraries between 13 July and 13 August 2023. We received a total of 55 submissions. This included 28 from individuals and 27 from organisations, community groups or businesses. A summary of the responses is included below.

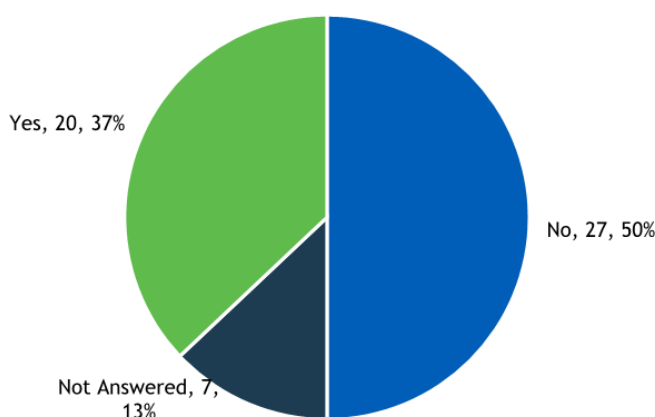
## SUBMISSIONS INSIGHTS

We received 55 total submissions, 28 from individuals and 27 from organisations and groups.

### Class 4 Gambling Venues Policy

More respondents disagreed with the proposal to continue the Class 4 Gambling Venues Policy without any changes (27, 50%), than those who agreed (20, 36%) with Council's proposal.

Do you agree with Council's proposal to continue the Class 4 Gambling Venues Policy without any changes?

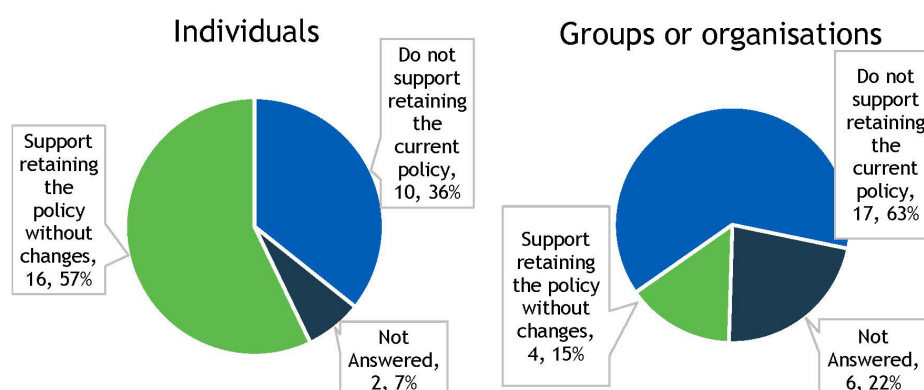


Of the 27 respondents that were opposed to Council's proposal on the Class 4 Gambling policy to continue the policy without any changes, 12 felt the policy was not strict enough, and 11 felt the current policy was too strict. More information is provided under the feedback from organisations and groups section.

On the Class 4 Gambling Venues proposal, when asked why people support or oppose the proposal, 48 of the 55 respondents provided comments. The top three key themes from respondents were:

- Community and sports clubs rely heavily on funding from class 4 gambling machines and any restrictions towards these impacts their funding (20 comments)
- Supportive of removing the sinking lid policy and capping the number of venues instead (12 comments)
- Gambling can be harmful to families and communities (12 comments)

Individuals were more likely to support Council's proposal, compared to groups or organisations. 57% of individual respondents (16 of 28) were in support of retaining the current policy without changes, whereas only 15% (4 of 27) of those representing groups, businesses or organisations were in support (and 63% opposed).



The differences regarding individuals being more likely to support Council's proposal compared to groups or organisations, were also reflected in the commentary. 22 of the 28 individuals left comments as to why they supported or opposed Council's proposal to retain the policy without any changes. The top themes from individuals' comments were

- Gambling is harmful to families and communities (6 comments)
- The current policy is fine as it is and does not require changes (6 comments)
- There should be a complete restriction of gambling machines in venues (5 comments)
- Community and sports clubs rely heavily on funding from class 4 gambling machines and any restrictions towards these impacts their funding (5 comments)

The comments' themes above show that the majority of comments under each theme (17 of the 22 individuals' comments) favour maintaining or increasing provisions that restrict gambling harm.

In regard to the Class 4 Gambling individual respondents, half (50%) of these reside in areas of higher socioeconomic deprivation.

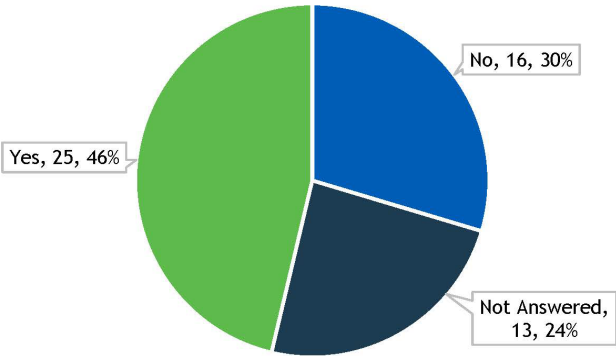
26 of 27 groups or organisations left comments. The top three key themes from those representatives were:

- Community and sports clubs rely heavily on funding from class 4 gambling machines and any restrictions towards these impacts their funding (15 comments)
- Supportive of removing the sinking lid policy and capping the number of venues instead (11 comments)
- Council should consider loosening the restrictions around locations of venues, and allow for relocation, moving or merging of venues (9 comments).

#### TAB Venues Policy

Majority of respondents agreed with the proposal to continue the TAB Venues Policy without any changes (46%), and 30% disagreed with Council's proposal. There was a large proportion (24%) who did not answer this question which includes those who emailed in their submissions, and who wanted to only respond regarding the Class 4 Gambling Venues Policy.

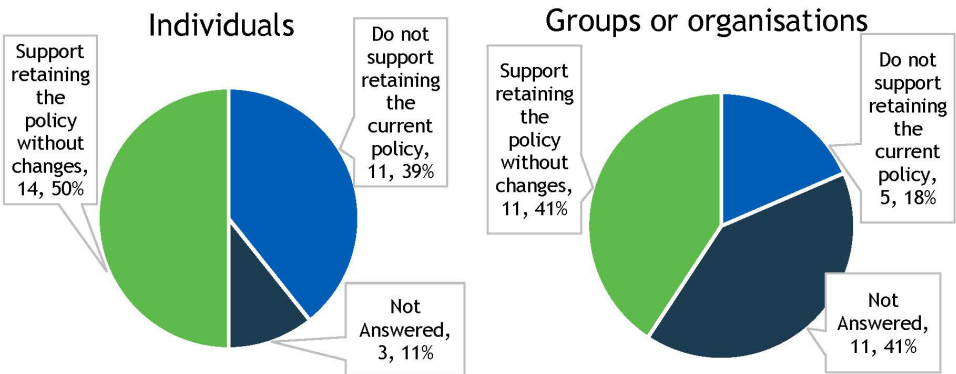
Do you agree with Council’s proposal to continue the TAB Venues Policy without any changes?



On the TAB Venues proposal, when asked why people support or oppose the proposal, 33 of the 55 respondents provided comments. The top key themes from respondents were:

- General support for Council’s proposal to retain the policy in its current state (10 comments)
- Concern around impacts on family and wider community harm (5 comments)
- Concern around decreased funding for sports and community groups (4 comments)
- Number of venues should be reduced further (4 comments)
- The current policy works as it should and minimises gambling harm (4 comments)

Majority of individuals and groups and organisations supported Council’s proposal to retain the TAB Policy without changes. 50% of individuals supported the proposal, compared to 39% of individuals who opposed it. While many groups and organisations did not answer (with some of these wishing to only submit to the Class 4 Policy), a larger proportion were in support of the proposal (41%) than those who opposed the proposal on the TAB policy (18%).



Due to the low number in each theme from total respondents, there were no discernible differences between those from individuals and groups/organisations.



### DEMOGRAPHIC COMPARISON OF RESPONSES FROM INDIVIDUALS

Data was not representative of Hamilton due to low number of individual responses ( $n = 28$ ).

### FEEDBACK FROM ORGANISATIONS AND GROUPS

We received 27 submissions from organisations and groups, which is 49% of the total number of submissions ( $n = 55$ ). The majority of organisations and groups disagreed with the proposal to continue the Class 4 Gambling Venues Policy without any changes (17, 63%), however organisations were more in favour of Council's proposal to continue the TAB Venues Policy without any changes (11, 41%), with only 18% (5) opposing the proposal.

Within the submissions from organisations and groups, there are two very different opinions on how Council should regard the Class 4 Gambling Venues Policy. The organisations can be categorised into two groups: organisations receiving gambling funding and gambling operators, and social harm reduction groups.

The general messaging from the gambling funding and operators' groups ( $n = 20$ ) was:

- Preference to remove the sinking lid policy and replace with a cap on number of venues and machines
- Concern that gambling funding would reduce due to loss of Class 4 machines, which would impact the long-term sustainability of clubs and their functions.
- Wanted additional ability to relocate venues to prevent issues with landlords and open up ability to move out of areas of higher socioeconomic deprivation and into areas of lower socioeconomic deprivation
- Acknowledge contributions made by Class 4 machines to problem gambling associations
- Suggests that Class 4 venues provide enough support for problem gamblers through staffing and surveillance
- Perception that by reducing the number of gambling venues would shift gambling to being online with less protections in place for minimising harm to individuals, families and communities.

The general messaging from social harm reduction groups ( $n = 7$ ) was:

- Preference to retain the sinking lid policy and remove the ability to relocate or merge
- Concern over the impact of Class 4 Gambling and the prevalence of problem gambling with Class 4 machines.
- Suggest that the current Class 4 Gambling Venues Policy was not restrictive enough and that the current policy does not adequately limit opportunities for gambling.
- Note that there is no immediate impact, and reduction in Class 4 machines and venues will occur due to natural attrition over time.

Five organisations made comments on the TAB Venues Policy, these can be summarised as:

- The current TAB Venues Policy is working as it should



- Believe that the policy should be adjusted to allow for venues to relocate (two comments)
- TAB gambling being less beneficial for the community due to less funds being given to sports and community groups
- TAB venues contribute to the local community through sports and community funds.

#### FEEDBACK FROM SOCIAL MEDIA

On the social media post we received 12 comments and 8 replies to comments. Majority of the comments posted were irrelevant to the consultation but those on topic spoke to the social harm to families and communities from gambling (5 comments).

## ENGAGEMENT TACTICS

### GOAL

Understand the views of the community about whether any changes are needed to the Class 4 Gambling Venues Policy and the TAB Gambling Venues Policy.

### OBJECTIVES

The objective was to ensure that all affected groups had the opportunity to make a submission before the consultation closes.

### ENGAGEMENT OUTCOME

We wanted the community to give their feedback on our proposal to keep the current Class 4 Gambling Venues Policy and TAB Venues Policy. Council had the choice to either keep the policies as they are, or make some changes.

### ENGAGEMENT CAMPAIGN REVIEW

Campaign tactics were:

- A public notice in the Hamilton Press
- Social media posts (organic and paid)
- Email to key interested groups
- Printed copies of the statement of proposal and consultation in libraries and Council central city offices.
- Posters at customer service

## ENGAGEMENT RESULTS

### SUBMISSION FORM (ONLINE & PAPER COPY)

We received 55 submissions – 48 online, 7 emails and no paper copy submissions.

### SOCIAL MEDIA

Across the whole campaign, we reached more than 64,000 people on social media. More than 4000 of those engaged with our posts across Facebook and Instagram e.g., liked, commented or shared.

### WEBSITE

#### Have your say - 13 July to 13 August

3023 views – [haveyoursay.hamilton.govt.nz/governance/policy-review-july-2023/](https://haveyoursay.hamilton.govt.nz/governance/policy-review-july-2023/)

1789 users

1.69 views per user

#### News - 13 July to 13 August

198 views

114 users

1.74 views per user

0m 17s average engagement time

### EMAILS/ LETTERS

#### Media release

Sent to 5 lists (742 email addresses)

- Open rate 27.36%
- 203 unique opens
- 362 total opens

Click through rate 1.5%

- 3 clicks total

Time spent viewing

- Read - 55.9% (eight seconds or more)
- Skimmed - 41.2% (two to eight seconds)
- Glanced - 2.9% (zero to two seconds)

#### Interest group emails

##### 13 July

Sent to 37 emails (one bounce)

Open rate 63.89%

- 23 unique opens
- 107 total

Click through rate 30.4%

- 7 unique
- 12 total

Time spent viewing email

- 50% read
- 50% skimmed

0 4000000

**9 August**

Sent to 37 emails

Open rate 59.48%

- 22 unique
- 75 total

Click through rate 22.7%

- 5 unique
- 6 total

Time spent viewing

- 22.2% read
- 77.8% skimmed

WHAT’S NEXT

The analysis of this feedback will be presented to the 20 September 2023 meeting of the Regulatory and Hearings Committee, where respondents who wish to speak to their submission can do so. Council will then consider all the views and make a decision on the Class 4 Gambling Venues Policy and TAB Venues Policy.