

Mayor and Councillors
COUNCIL

15 OCTOBER 2015

Meeting Status: **Public**

Purpose of Report: For Decision

**REQUEST FOR TERRITORIAL AUTHORITY CONSENT FOR A
TAB BOARD VENUE OPERATING AT AMOHIA STREET,
KAPITI LIGHTS, PARAPARAUMU**

PURPOSE OF REPORT

- 1 The New Zealand Racing Board (NZRB) has applied for territorial authority (TA) consent, pursuant to section 65A of the Racing Act 2003 (the Act) and the Kapiti Coast District Council TAB Board Venue Gambling Policy 2011, to establish a TAB Board Venue known as Paraparaumu TAB located at the Black Stag, Amohia Street, Kapiti Lights, Paraparaumu (refer attachment 1).
- 2 When the NZRB wants to establish a new TAB Board venue, or in this case take over a pub TAB venue, they must apply for a licence under the Racing Act 2003. A pre-requisite to apply for this licence to operate a venue is that the applicant must show that they have received territorial authority (TA) consent.

DELEGATION

- 3 Council has the authority to consider and determine this matter.

BACKGROUND

The Situation

- 4 In approximately 1998 the NZRB first established this venue, operating at the current site, leasing separate space within the existing tavern. In 2012 the new licensee, Kapiti Hospo Limited, took over the TAB Board Venue and it became a pub TAB (i.e. the TAB area was leased by the Licensee and operated by the Licensee).
- 5 The NZRB now wants to take back the lease on the whole building, including the TAB venue, and run it themselves. Once they do this they will lease back the tavern part of the building to the current licensee.
- 6 Even though the NZRB are not in essence creating a new venue, only taking over an existing venue, they require TA consent because under the Act this is considered as establishing a Board Venue.
- 7 Interestingly, the Act does not require other pub TAB venues (i.e. not NZRB) to apply for TA consent when ownership of the business changes.

THE RACING ACT 2003 (THE ACT)

- 8 The Council does not regulate or enforce the requirements of the Racing Act 2003 in any way, but has two roles under the legislation:

- to consider and determine an application for TA consent; and
 - to adopt a TAB Board Venue policy using the special consultative procedure, and to review that policy every 3 years.
- 9 Section 65(c) of the Act requires that a TA, when considering and determining an application for TA consent, must do so in accordance with its TAB Board Venue policy; and then either -
- grant or not grant a consent.

KĀPITI COAST DISTRICT COUNCIL TAB VENUE GAMBLING POLICY 2011

- 10 The current Policy became active in June 2011 (refer attachment 2) and was due for review in June 2014, however this review has not been started. The Act states that a review of the Policy must be undertaken every three years but section 65(e)(6) of the Act states that the policy does not cease to have effect because it is due for review or being reviewed.
- 11 The effect of the Policy not being current means the Council does not have the benefit of considering the latest social impact assessment on the effects of gambling in the district.
- 12 It is important to note that when considering this application the Council focuses on the Policy as adopted in 2011 even though there may be some aspects of the Policy that might be outdated or due for review.
- 13 The review of the Policy is a separate task that is currently being considered by the Strategy and Planning Group. A recent stocktake by this Group has identified 92 Council policies and strategies some of which require review due to statutory timeframes. A full evaluation and recommended prioritisation and work programme of the policies and strategies is currently being undertaken. The results of this evaluation will be reported to Council following consideration by the Senior Leadership Team to determine the Council's work programme over the next three to five years.

ISSUES AND OPTIONS

- 14 Section 3 of the Policy outlines the objectives of the Policy which are:
- “to support the purpose and intent of the Racing Act 2003;
 - to provide for the continued availability of TAB Board Venue gambling within the Kāpiti Coast District in accordance with the purpose and intent of the Racing Act 2003.”
- 15 Section 5 of the Policy defines the rules regarding TAB board Venues, which are:
- (The) “Policy maintains the existing cap on stand-alone TAB Board Venues at two. No new stand-alone TAB Board Venues will be approved in any part of the Kapiti Coast District if it means the cap will be exceeded; and

- Where an existing TAB Board Venue is ceasing to operate, the Council may, at its own discretion, allow the relocation of existing venue conditions to another location(s) that meets the criteria of the Policy.”

16 Currently there are no TAB Board Venues operating in the District.

Option 1

- 17 Give Territorial Authority consent to the New Zealand Racing Board to establish the TAB Board Venue.
- This option is in accordance with the rules in the Policy which sets a cap of two TAB Board Venues, and if this consent is granted there will be one TAB Board Venue in the District.

Option 2

- 18 Refuse to give Territorial Authority consent to the New Zealand Racing Board to establish the TAB Board Venue.
- This option would be in contradiction of the rules in the Policy (as outlined in section 5) and would also contradict the objectives of the Policy (as outlined in section 3).

Policy considerations

- 19 The objectives and rules of the Kāpiti Coast District Council TAB Board Venue Policy 2011 must be considered by the Council when making a decision on this matter.

Legal considerations

- 20 There are no legal considerations to consider with this application except that the Act requires that a decision is made on this matter within 30 days of receipt of the application. This decision should have been issued on 14 October however the applicant appears satisfied that the report is to be considered by Council at a meeting on 15 October.

Financial considerations

- 21 There are no financial considerations and I confirm there is no fee payable by NZRB for this consent.

Tāngata whenua considerations

- 22 Tāngata whenua were consulted when the policy was developed in 2010.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 23 This matter has a low level of significance under Council policy.

Consultation already undertaken

- 24 Consultation occurred when the Council reviewed the Gambling Policy. The special consultative procedure was used for this review.

Engagement planning

25 An engagement plan is not needed to implement this decision.

Publicity

26 A communications plan or strategy is not required in relation to this matter.

RECOMMENDATIONS

27 That the Council gives Territorial Authority consent to the application by the New Zealand Racing Board to establish a TAB Board Venue, known as Paraparaumu TAB, at the site of the Black Stag, Amohia Street, Kapiti Lights, Paraparaumu, as set out in Attachment One to this report (RS-15-1727).

Report prepared by	Approved for submission	Approved for submission
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ATTACHMENTS

- 1 Application and floor plan.
- 2 Kāpiti Coast District Council TAB Board Venue Gambling Policy