

Mayor and Councillors
COUNCIL

11 APRIL 2019

Meeting Status: **Public**

Purpose of Report: For Decision

ADOPTION OF THE KAPITI COAST DISTRICT COUNCIL CLASS 4 GAMBLING POLICY 2019 AND KAPITI COAST DISTRICT COUNCIL TAB VENUE GAMBLING POLICY 2019

PURPOSE OF REPORT

- 1 This report seeks Council's approval to:
 - a) Repeal the Kapiti Coast District Council Class 4 Gambling Policy 2011;
 - b) Adopt the proposed Kapiti Coast District Council Class 4 Gambling Policy 2019 (Appendix 1);
 - c) Repeal the proposed Kapiti Coast District Council TAB Board Venue Gambling Policy 2011; and
 - d) Adopt the Kapiti Coast District Council TAB Venue Gambling Policy 2019 (Appendix 2).

DELEGATION

- 2 Under Section B1 of the Governance Structure and Delegations for the 2016-2019 Triennium, the Strategy and Policy Committee is responsible for the development and review of strategies, plans, policies, and bylaws. However, Section A2 states the responsibility for adoption lies with Council.

BACKGROUND

- 3 Class 4 gambling involves gaming machines in pubs and clubs (i.e. outside a casino), and a Class 4 venue is a place that conducts Class 4 gambling. This can include a TAB venue, which is a venue owned or leased by the NZ Racing Board or a Racing Club.
- 4 The purpose of the Class 4 Gambling Policy is to manage the growth and social impact of Class 4 gambling in communities, while the purpose of the TAB Venue Gambling Policy is to manage the number and location of stand-alone TAB venues within the District.
- 5 The Strategy and Policy Committee approved the release of the *Statement of Proposal to Adopt the Draft Kapiti Coast District Council Class 4 Gambling Policy 2018 and the Draft Kapiti Coast District Council TAB Board Venue Gambling Policy 2018* for public consultation on 18 October 2018 (refer to SP-18-617).
- 6 A special consultative procedure was undertaken, with a public submission period from 29 October 2018 to 30 November 2018. Fifty-eight (58) submissions

were received. Hearings were held on 24 January 2019, with 12 submitters speaking to their submissions.

- 7 The submission form asked a series of questions to gauge levels of support for the proposed Class 4 Gambling Policy 2018 and the proposed TAB Board Venue Gambling Policy 2018. (See Appendix 3 for a more detailed summary of submissions, and refer to SP-19-684 for the actual submissions.)
- 8 The proposed TAB Board Venue Gambling Policy 2018 did not propose any amendments to the 2011 Policy. Only two submissions were received on the proposed 2018 Policy, and both supported the proposal to maintain the 2011 cap of 2 TAB venues in the District. Currently there are no TAB venues in the District.
- 9 The proposed Class 4 Gambling Policy 2018 did not propose any changes to the caps on machines, caps on venues, or the relocation policy from the 2011 Policy. Submitters provided the following feedback:

Question	Yes	No
Do you agree with the proposed amendments to the Class 4 Gambling Policy (<i>which would maintain the existing 2011 caps on machines and venues</i>)?	21% (n=12)	79% (n=46)
Do you agree with the proposal to keep the current relocation policy for relocating pokie machines when a venue closes?	9% (n=5)	91% (n=53)
Should the policy allow for pokie machines to be relocated when a venue stays trading but no longer wants to have pokie machines?	5% (n=3)	95% (n=55)

- 10 Overall, the submitter feedback can be placed into three categories:

Support the status quo	9% (n=5)
Support the recreational and economic benefits from Class 4 gambling and would like no cap reductions and a more flexible relocation policy	12% (n=7)
Want further reductions in caps and venues and no relocations at any time due to concerns about harm from Class 4 gambling	79% (n=46)

ISSUES

- 11 In considering the Class 4 Gambling Policy, Council must balance the potential harm caused to individuals, families, and the wider community with the recreational and economic benefits. To do this effectively, there are three issues that require careful consideration:
- Caps on machines;
 - Caps on venue numbers; and
 - Relocations.
- 12 These will be discussed further below.

Caps on machines

- 13 The 2011 Class 4 Gambling Policy set a Districtwide cap on Class 4 venues, and a machine cap by Ward based on a ratio of one machine to every 162 adults (using 2006 Census data). The 2011 Policy also contains a rule stating that, within the Paekākāriki-Raumati Ward, new machines will only be considered in the Raumati Township and not in Paekākāriki.
- 14 The District currently has 192 pokie machines (Table 1). The current number of machines in the Ōtaki Ward exceeds the cap, which means the Ōtaki Ward has more than one machine for every 162 adults. Since 2011, there has been a reduction of 36 machines and three Class 4 venues across the District.

Table 1: Districtwide summary of Class 4 machines (2018)

Ward	Class 4 machines (actual)	2011 Policy caps	Ratio of actual machines to adults*	Ratio of 2011 caps to adults (2006 Census)	Ratio of 2011 caps to adults (2013 Census)
Paekākāriki-Raumati	27	45 machines	1:281	1:162	1:169
Paraparaumu	86	89 machines	1:174	1:162	1:168
Waikanae	18	52 machines	1:501	1:162	1:173
Ōtaki	61	42 machines	1:109	1:162	1:158
Total District	192	228 machines	1:199	1:162	1:167
New Zealand	-	-	1:206	-	-

* Ratios of actual machines to adults have been calculated with 2013 Census population data.

- 15 An updated analysis of the machine caps set in the 2011 Policy using 2013 Census population data finds the Districtwide ratio is one machine to every 167 adults, with a range of ratios across the Wards.
- 16 The current ratio of machines to adults in New Zealand is 1 machine to every 206 adults. If each Ward was to have the number of machines allowed in the 2011 Policy, each Ward would have more than one machine for every 206 adults.

- 17 Seventy-nine per cent of submitters (46 out of 58) contend that the machine caps set in the 2011 Policy are too high.

Caps on venues

- 18 The 2011 Policy sets a Districtwide cap at 15 venues, and does not allow any new venues in Wards where the current number of machines exceeds the cap.
- 19 The District currently has 12 venues (Table 2). The Ōtaki Ward is currently the only Ward where the number of machines exceeds the cap; therefore, no new venues or machines are currently allowed in the Ōtaki Ward.

Table 2: Districtwide summary of Class 4 venues (2018)

Ward	2011 Policy caps	Class 4 venues (actual)
Paekākāriki-Raumati	N/A	2
Paraparaumu	N/A	5
Waikanae	N/A	1
Ōtaki	N/A	4
Total District	15	12

- 20 If an application is received for a new venue, the number of machines allowed will be determined by (i) the difference between the current number of machines and the existing Ward cap and/or (b) the rules of the Act.
- 21 The Gambling Act 2003 provides that:
- Venues licensed before 17 October 2001 can operate up to a maximum of 18 machines.
 - Venues licensed after 17 October 2001, but before the Act came into force, can operate up to a maximum of 9 machines.
 - Venues that were licensed after 17 October 2001 and are only able to operate 9 machines can apply to operate up to 18 machines, if they first obtain territorial authority consent and then receive Ministerial approval.
- 22 Concerns were raised by some Councillors that Districtwide caps on venues ought to be considered to ensure that those who are most at risk of problem gambling do not simply shift their gambling practices to other Wards.

Relocation policy

- 23 The 2011 Class 4 Gambling Policy includes a relocation policy that applies only when an existing Class 4 gambling venue ceases to operate. It does not address other types of relocations (for example, if a venue continues to operate but no longer wants pokie machines) or venue mergers.
- 24 Fifty-three submitters do not support the proposal to maintain the existing relocation policy. For seven of the 53 (13%), this is because they want an improved relocation policy that addresses a wider range of relocation types. A number of those submitters are specifically advocating for the relocation policy

that is recommended by the Gaming Machine Association of New Zealand (GMANZ).

- 25 The other 46 submitters who do not support the proposal to maintain the existing relocation policy (87% of 53), argued that they do not want any relocations allowed at all because they want to see a reduction in machines and venues across the District. A number of these submitters raised specific concerns about recent changes in the Ōtaki Ward that were allowed under the 2011 Policy because these instances were not deemed to be relocations. The submitters view these changes as lost opportunities for reducing the number of machines in that particular Ward.
- 26 The advocates for the GMANZ-proposed policy argue that an improved relocation policy could serve both needs in that it could provide much-needed clarity for licence holders, while also preventing relocations that do not meet the overall objectives of the Policy.

OPTIONS

Option A: Adopt the Class 4 Gambling Policy as proposed in the Statement of Proposal, with no changes to the caps on machines, caps on venues, or the relocation policy

- 27 The Draft Class 4 Gambling Policy 2018 did not propose any changes to the caps on machines, caps on venues, or the relocation policy that were set in the 2011 Policy because:
- a) The actual number of venues is less than the cap;
 - b) The actual number of pokie machines is less than the cap in every Ward except for the Ōtaki Ward;
 - c) Presently, no new gaming machines are allowed in the Ōtaki Ward because the current number of machines exceeds the cap; and
 - d) There was no evidence indicating that the current relocation policy was insufficient.
- 28 This proposal was deemed appropriate at the time because it allowed for some growth in the District, but not in the Ōtaki Ward where the number of machines to adults is too high and there are concerns about problem gambling harm in the community.
- 29 The advantage of Option A is that it allows for a relatively simple 'rolling over' of the Policy, with minimal impact on future Policy implementation. The disadvantage of this option is that it was only supported by two (3%) submitters.

Option B: Adopt the Class 4 Gambling Policy with no changes to the caps on machines or venues, but with a new relocation policy

- 30 The relocation policy recommended by GMANZ is:

A new venue consent will be issued by Council if all of the following conditions are met:

- *where the venue is intended to replace an existing venue within the District;*
- *where the existing venue operator consents to the relocation; and*

- *where the proposed new location meets all the other requirements in this policy.*

In accordance with section 97A of the Act, when a relocation consent is sought under this relocation provision, the new venue may operate up to the same number of machines that were permitted to operate at the old venue immediately before the old venue licence was cancelled as a result of the relocation.

In accordance with section 97A(c) of the Act, when the new venue is established following a consent being granted under this relocation provision, the old venue is treated as if no Class 4 venue licence was ever held for the venue. The old venue will therefore require a new territorial authority consent from Council before being relicensed to host gaming machines and will be limited to a maximum of 9 machines if such a consent is issued by Council.

- 31 The part of the GMANZ-proposed relocation policy that prevents undesirable relocations is the third bullet which states that the proposed relocation must “*meet all the other requirements in this policy*”.
- 32 In order to ensure that such undesirable relocations do not occur, the Policy must be clear on “*all the other requirements*”. To confirm that such requirements are clear, the following amendments could be added alongside the relocation policy:

No relocation will be allowed in any Ward where the number of Class 4 gaming machines exceeds the cap.

No new Class 4 gaming venues and no new Class 4 gaming machines will be allowed in the Ōtaki Ward.

A Class 4 gaming venue consent is for one venue (one premises) and is not transferable to another venue (premises) unless consent is obtained from the Council. The consent is given to a venue at a given address, not to a person or business.

Council will publicly notify applications for the relocation of Class 4 gaming venues and allow for public submissions to be lodged and heard.

- 33 The advantage of Option B is that it includes a new relocation policy that provides more clarity about relocations to licence holders, while also strengthening provisions to prevent undesirable relocations. While this option supports efforts to minimise problem gambling harm in the District while also allowing for some growth, the disadvantage of Option B is that 79% of all submitters (46 out of 58) do not want any relocations at all due to concerns about problem gambling harm.

Option C: Adopt the Class 4 Gambling Policy, with a new relocation policy and with reduced caps on machines

- 34 In order to address submitter concerns about problem gambling harm, another option for consideration would be to adopt the new relocation policy as proposed in Option B and reduce the caps in each Ward so that the ratio of gaming machines to local adults matches the current New Zealand ratio of 1:206 (Table 3).

Table 3: Proposed caps at 2018 national ratio, by Ward

Ward	Proposed 2018 Caps	Ratio of 2018 caps to adults*
Paekākāriki-Raumati	37	1:206
Paraparaumu	73	1:206
Waikanae	44	1:206
Ōtaki	32	1:206
Total District	186	1:206

* Ratios of 2018 caps to adults have been calculated with 2013 Census population data.

- 35 The effects on each Ward from such a reduction will vary as follows:
- a) The proposed cap for the Paekākāriki-Raumati Ward would be 37. This would allow for additional gaming machines because the current number of gaming machines (27) would be below the proposed cap; however, due to the rule that was added to the 2011 Policy, additional machines would only be considered in Raumati.
 - b) The proposed cap for the Waikanae Ward would be 44. This would allow for additional gaming machines because the current number of gaming machines (18) would be below the proposed cap.
 - c) The proposed cap in the Ōtaki Ward would be reduced from 42 to 32 machines, with the number of machines in the Ōtaki Ward (61) continuing to exceed the cap. This would mean that no new machines could be added to the Ōtaki Ward as long as the number of machines continues to exceed the cap.
 - d) The proposed cap for the Paraparaumu Ward would fall from 89 to 73 machines. Whereas Paraparaumu currently has 86 machines, this would mean that no new machines would be allowed in the Paraparaumu Ward as long as the number of machines exceeds the cap.
 - e) The new Districtwide cap would be 185. Because the total number of machines in the District is currently 192, no new machines would be allowed until there was a reduction of more than 7 machines in the District.
- 36 The advantage of Option C is that it acknowledges the feedback of the majority of submitters who would like a reduction in Class 4 gaming, while also leaving some room for future growth. The disadvantage of Option C is that the only areas that could readily accommodate growth in the District would be the Raumati and Waikanae Wards (and potentially the Paraparaumu and Ōtaki Wards if the existing number of machines was to fall below the proposed caps).

Option D: Adopt a Class 4 Gambling Policy that would not allow any new machines, any new venues, or any relocations

- 37 The last option recommended for the Class 4 Gambling Policy is one that would not allow any new machines, any new venues, or any relocations.
- 38 In order to prevent new machines, venues, and relocations:
- in the Paekākāriki-Raumati and Waikanae Wards, the machine cap would be set according to the current number of machines (see Table 4);
 - in the Paraparaumu and Ōtaki Wards, the machine cap would be set according to the current nationwide ratio of 1:206;
 - the new Districtwide machine cap would be 150;
 - the Districtwide venue cap would be set at 12, based on the current number of venues in the District; and
 - the current relocation policy which allows for relocations when a venue ceases to operate would be deleted and replaced by a clause stating 'no relocations allowed'.

Table 4: Proposed caps for Option D to prevent new machines

Ward	Proposed Caps for Option D	Ratio of Option D caps to adults*
Paekākāriki-Raumati	27	1:281
Paraparaumu	73	1:206
Waikanae	18	1:501
Ōtaki	32	1:206
Total District	150	1:255

* Ratios of proposed caps to adults have been calculated with 2013 Census population data.

- 39 The advantage of Option D is that it appears to be supported by 79% of submitters (46 out of 58) because it clearly seeks to reduce Class 4 gambling in the District. The disadvantage of Option D is that it does not recognise the recreational and economic benefits of Class 4 Gambling and does not allow for any growth.

CONSIDERATIONS

Consideration of the New Zealand Bill of Rights Act

- 40 The LGA requires Council to consider whether these proposed Policies give rise to any implications under NZBORA.
- 41 It is not foreseen that the draft Class 4 Gambling Policy 2019 and the draft TAB Venue Gambling Policy 2019 contain any provisions that conflict with NZBORA.

Policy considerations

- 42 There are no additional policy considerations with respect to the proposed Class 4 Gambling Policy 2019 and the proposed TAB Venue Gambling Policy 2019.

Legal considerations

- 43 The LGA 2002, the Gambling Act 2003, and the Racing Act 2003 set out detailed processes for the review of these gambling policies. This review has taken these requirements into account, and Council's Legal Counsel has been involved at all stages of the review to ensure legislative compliance.

Financial considerations

- 44 A number of submitters expressed concerns over the lack of gaming machine proceeds legally being distributed back into the District.
- 45 Club societies are legally required to return a minimum of 35-37% of net proceeds into local communities, and non-club societies are legally required to return up to 40%. As such, these societies do return gaming machine proceeds to non-profit organisations in local communities, but not always to the same District or Ward where the money was spent.
- 46 The review of the Class 4 Gambling Policy has provided an opportunity to consider the current distribution of funds across the District, and work with the local societies and non-profit organisations to improve relationships in order to facilitate more funding back into our local communities.
- 47 This is an important stream of work to fall out of the policy review but, because club and non-club society obligations to distribute funds are prescribed by the Act and monitored and enforced by the Department of Internal Affairs, there are no amendments proposed to the Policy in regards to this issue.

Tāngata whenua considerations

- 48 Te Whakaminenga o Kāpiti discussed the draft Policies at their meeting on 2 October 2018. At the meeting, it was agreed that each individual iwi would provide feedback separately. Submissions were subsequently received from many individuals and several iwi organisations, including Te Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga o Raukawa. All of these submissions called for reductions in venues and machine numbers in order to reduce problem gambling harm.
- 49 Te Whakaminenga o Kāpiti discussed the draft Policies again at their meeting on 12 March 2019. At this meeting, Te Whakaminenga o Kāpiti emphasised the need to reduce gambling harm.

Strategic considerations

- 50 Toitū Kāpiti includes an aspiration for strong, safe communities. The proposed Class 4 Gambling Policy 2019 and the proposed TAB Venue Gambling Policy 2019 assist in the attainment of this aspiration because they seek to minimise any potential harms associated with gambling in the Kāpiti Coast District, while also allowing for the economic and recreational benefits of gambling.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 51 In accordance with the LGA 2002, a special consultative procedure was required for the review of these two Policies.

Consultation already undertaken

- 52 During the review process, Council carried out:
- a) a social impact study on both national and local gambling trends, including the impact of Class 4 gambling in the Kāpiti Coast District;
 - b) informal consultation with stakeholder groups, including: Problem Gambling Foundation, Department of Internal Affairs, Ministry of Health, New Zealand Racing Board, local community groups, Class 4 venue operators and Council's Iwi Relationships Manager;
 - c) a legal review to assess whether the policies still achieved the objectives outlined in the Gambling Act 2003 and the Racing Act 2003; and
 - d) a special consultative process.

Publicity

- 53 If Council chooses to adopt the draft Kapiti Coast District Council Class 4 Gambling Policy 2019 and the draft Kapiti Coast District Council TAB Venue Gambling Policy 2019:
- a) The new Policies will be uploaded to the Council website;
 - b) Council will give public notice of when these new Policies will come into operation;
 - c) Council will circulate the notice to key stakeholders, including the Department of Internal Affairs, Ministry of Health, New Zealand Racing Board, local Class 4 venue operators; and local organisations with a particular interest in Class 4 gambling; and
 - d) As legally required, Council will update its consent forms for Class 4 gambling venues and gaming machines.

RECOMMENDATIONS

- 54 In order to acknowledge the majority of submissions that advocated for reduced Class 4 gambling in the District while also recognising that there are recreational and economic benefits from Class 4 gambling, it is recommended that Council:
- a) Repeal the Kapiti Coast District Council Class 4 Gambling Policy 2011.
 - b) Adopt the proposed Kapiti Coast District Council Class 4 Gambling Policy 2019 (Appendix 1), based on Option C which includes the following components:
 - i. new caps on gaming machines by Ward according to the current New Zealand ratio of 1:206;
 - ii. a new relocation policy, based on the recommendation from GMANZ but with sufficient clarity to prevent undesirable relocations.
 - c) Repeal the Kapiti Coast District Council TAB Board Venue Gambling Policy 2011.
 - d) Adopt the proposed Kapiti Coast District Council TAB Venue Gambling Policy 2019 (Appendix 2).

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ATTACHMENTS

- 1 Proposed Kapiti Coast District Council Class 4 Gambling Policy 2019, with track changes showing Option C
- 2 Proposed Kapiti Coast District Council TAB Venue Gambling Policy 2019
- 3 Responses to submission questionnaire on the draft Class 4 Gambling Policy 2018 and the draft TAB Board Venue Gambling Policy 2018

APPENDIX 1

Proposed Kapiti Coast District Council Class 4 Gambling Policy 2019, with track changes showing Option C

1. Policy Validation

- 1.1 The Kapiti Coast District Council Class 4 Gambling Policy 2019 was approved at a meeting of the Kapiti Coast District Council held on 11 April 2019, after completion of a public consultation process.
- 1.2 This Policy has been made pursuant to Section 101 of the Gambling Act 2003 (the Act). It has also been reviewed in accordance with the requirements of Section 102 of the Act.

2. Interpretation

- 2.1 In this Policy, unless the context requires otherwise:

Class 4 gambling venue	means a place that conducts Class 4 gambling
Class 4 gambling	means gambling: <ul style="list-style-type: none"> i. that utilises or involves a gaming machine; ii. where the proceeds are distributed for authorised purposes; iii. where no commission is paid; iv. that satisfies relevant gaming rules; and v. is categorised by the Secretary for Internal Affairs as Class 4 gambling.
Gambling harm	means the adverse impact problem gamblers have on themselves, their family and friends, and wider society. For instance, problem gamblers suffer from increased rates of bankruptcy, arrest, imprisonment, unemployment, divorce, and poor physical and mental health. There is also evidence to suggest that problem gamblers have higher rates of suicide.
Problem gambling	means a pattern of gambling behaviour that disrupts and damages a person's life, their friendships, family relationships and job interests.
Council	means the Kapiti Coast District Council or any committee, community board, or an enforcement officer authorised to exercise the authority of the Council.

3. Objectives of the Policy

- 3.1 To minimise gambling harm to Kapiti Coast communities caused by Class 4 gambling.
- 3.2 To control the growth of Class 4 gambling in the Kapiti Coast District.
- 3.3 To ensure Class 4 gambling venues are appropriately located.
- 3.4 To ensure that the Kapiti Coast District Council and its communities have influence over the provision of new Class 4 gambling venues in the Kapiti Coast District.

- 3.5 To control the number of Class 4 gaming machines in the Kapiti Coast District.
- 3.6 To redistribute existing Class 4 venues and gaming machines in the District so that they are more evenly spread amongst the adult Ward population and closer to the District average (as measured at April 2018).

4. Rules Regarding Existing Class 4 Gaming Venues

- 4.1 The Act provides that venues licensed before 17 October 2001 can operate up to a maximum of 18 machines; but this number will be considered relative to the objectives outlined in section 3.
- 4.2 The Act provides that venues licensed after 17 October 2001, but before the Act came into force, can operate up to a maximum of 9 machines, but this number will be considered relative to the objectives outlined in section 3.
- 4.3 Section 96 of the Act provides that clubs that were licensed after 17 October 2001 and are only able to operate 9 machines can apply to operate up to 18 machines. However, they must first obtain territorial authority consent which will be considered relative to the objectives outlined in section 3, and must then apply for Ministerial approval.
- 4.4 Section 95 of the Act provides that clubs that merge are able to be licensed to operate up to 30 machines or the lesser of the number currently operated in each of the merging clubs. However, they must first obtain territorial authority consent which will be considered relative to the objectives outlined in section 3, and must then apply for Ministerial approval.

5. Rules Regarding New Class 4 Gaming Venues

- 5.1 Further to the provisions above, this Policy maintains the Districtwide Class 4 gaming venue cap at **15** venues (as per the 2011 Policy). No new Class 4 gaming venues will be approved in any part of the Kāpiti Coast District if it means this cap will be exceeded.

5.2 No new Class 4 gaming venues and no new Class 4 gaming machines will be allowed in the Ōtaki Ward.

- 5.23 Outside of the Ōtaki Ward, New Class 4 gaming venues may be established subject to a vacancy in the current venue caps and in compliance with the Kapiti Coast District Plan, fee and application requirements, and sections 3, 6, and 7 of this policy.

6. Location of New Class 4 Gaming Venues

- 6.1 No additional Class 4 gaming venues will be permitted in areas where additional gaming machine numbers will breach the objectives and restrictions outlined in section 3, of this Policy.
- 6.2 New Class 4 gaming venues will not be permitted where the Council believes that the amenity of the area for which the venue is proposed will be adversely affected, or where there is likely to be an adverse effect on any community facilities, including kindergartens, early childhood centres, schools, and places of worship.

- 6.3 Class 4 gaming venues are prohibited in commercial premises where family and/or children's activities are promoted (e.g. family dining or family recreational venues).
- 6.4 Class 4 gaming venues will only be approved in premises licensed under the Sale and Supply of Alcohol Act 2012 with a restricted designation. Stand-alone TAB venues are exempt from this requirement.
- 6.5 The primary activity of a Class 4 gaming venue must not be Class 4 gambling.
- 6.6 A Class 4 gaming venue consent is for one venue (one premises) and is not transferable to another venue (premises) unless consent is obtained from the Council. The consent is given to a venue at a given address, not to a person or business. Where an existing Class 4 gambling venue is ceasing to operate, the Council may, at its own discretion, allow the transfer of existing venue conditions to another location(s) that meets the criteria of the policy.

7. Relocation of Class 4 Gaming Venues

- 7.1 A new venue consent will be issued by Council in the following circumstances:
 - a) Where the venue is intended to replace an existing venue within the District;
 - b) Where the existing venue operator consents to the relocation; and
 - c) Where the proposed new location meets all the other requirements in this policy.
- 7.2 No relocation consents will be allowed in any Ward where the number of Class 4 gaming machines exceeds the cap.
- 7.3 In accordance with section 97A of the Act, when a relocation consent is sought under this relocation provision, the new venue may operate up to the same number of machines that were permitted to operate at the old venue immediately before the old venue licence was cancelled as a result of the relocation.
- 7.4 In accordance with section 97A(c) of the Act, when the new venue is established following a consent being granted under this relocation provision, the old venue is treated as if no Class 4 venue licence was ever held for the venue. The old venue will therefore require a new territorial authority consent from Council before being relicensed to host gaming machines and will be limited to a maximum of 9 machines if such a consent is issued by Council.
- 7.5 Council will publicly notify applications for the relocation of Class 4 gambling venues and allow for public submissions to be lodged and heard.

7.8. Restriction on the number of Class 4 gaming machines

- 8.1 Ward based restrictions on the number of Class 4 gaming machines will be established using the district average of Class 4 gaming machines to adult population. The average will be calculated at the time of the Class 4 Social Impact Review conducted every three years.
- 8.2 A Ward based ratio of 1 machine to ~~167-206~~ adults aged 18 years and older (determined from the District average calculated as at April 2018¹) applies and is distributed in accordance with Table 1.

Ward	Population over 18 years*	Current no. of gaming machines as at April 2018	Permitted no. of gaming machines in each Ward under 2019 Policy	Total with regards to cap	Gaming machines to adults
Paekākāriki – Raumati	7,587	27	45	+18	
Paraparaumu	14,937	86	89	+3	
Waikanae	9,018	18	52	+34	
Ōtaki	6,642	61	42	-19	
TOTAL DISTRICT	38,184	192	228	+36	1:167

Table 1: Class 4 gaming machines permitted in each Ward

Ward	Population over 18 years*	Current no. of gaming machines as at April 2018	Permitted no. of gaming machines in each Ward under 2019 Policy	Total with regards to cap	Gaming machines to adults
Paekākāriki – Raumati	7,587	27	37	+10	1:206
Paraparaumu	14,937	86	73	-13	1:206
Waikanae	9,018	18	44	+26	1:206
Ōtaki	6,642	61	32	-29	1:206
TOTAL DISTRICT	38,184	192	186	+36	1:206

* Data sourced from Statistics New Zealand, Census of Population and Housing 2013.

¹ District average calculated as follows: 38,184 adults / ~~228-186~~ non-casino gaming machines = ~~167-206~~ adults to 1 gaming machine as at April 2018. Data sourced from Statistics New Zealand, Census of Population and Housing 2013 ~~and 2006~~.

- 8.3 The total district Class 4 gaming machine cap is ~~228-186~~ gaming machines (refer Table 1).
- 8.4 Additional gaming machines will only be considered in the Paekākāriki/Raumati Ward if the machines are located in the Raumati Township and the increase does not breach the District venue cap of 15, ~~or the~~ District machine cap of ~~228186, or the Ward cap of 37~~.
- 8.5 Additional gaming machines will only be considered in the Waikanae Ward if the increase does not breach the District venue cap of 15, ~~or the~~ District machine cap of ~~228186, or the Ward cap of 44~~.
- 8.6 In the event that, for example, two or more existing clubs amalgamate, then the location, population and proposed number of machines will be considered relative to the objectives and rules outlined in sections 3, 4, 6, 7 and 8 of this policy.
- 8.7 The number of gaming machines permitted in new venues (licensed after the Act came into force) will be subject to consent criteria contained in this policy limited to a maximum of 9 machines, as specified by the Act.

8-9. Applications and Fees for Consents

- 9.1 Applications for new Class 4 gaming venues or additional gaming machines at existing venues must be made on the approved form (available from the Council).
- 9.2 Applications are processed in accordance with the Environmental Compliance Officer hourly rate for extraordinary activities as set in the section 'General compliance fees – Environmental Protection' in the Kāpiti Coast District Council Long term plan 2018-38.²

9-10. Next Policy Review

- 10.1 In accordance with section 102 of the Gambling Act 2003, this Policy will be reviewed by the Council in 2021.

² Fees and charges are regularly reviewed and may be amended through the Annual Plan/Long Term Plan process. For potential fee updates, please see the latest Annual Plan.

APPENDIX 2

Proposed Kapiti Coast District Council TAB Venue Gambling Policy 2019

1. Interpretation

- 1.2 The Kapiti Coast District Council TAB Venue Gambling Policy 2019 was approved at a meeting of the Kāpiti Coast District Council held on 11 April 2019, after completion of a public consultation process.
- 1.3 This Policy has been made pursuant to section 65D of the Racing Act 2003. It has also been reviewed in accordance with section 65E of the Racing Act 2003.

2. Interpretation

- 2.1 In this Policy, unless the context requires otherwise:

Gambling Harm	means the adverse impact problem gamblers have on themselves, their family and friends, and wider society. For instance, problem gamblers suffer from increased rates of bankruptcy, arrest, imprisonment, unemployment, divorce, and poor physical and mental health. There is also evidence to suggest that problem gamblers have higher rates of suicide.
Problem Gambling	means a pattern of gambling behaviour that disrupts and damages a person's life, their friendships, family relationships and job interests.
The Council	means the Kapiti Coast District Council or any committee, community board, or an enforcement officer authorised to exercise the authority of the Council.
TAB Board Venue	means a stand-alone venue that is owned or leased by the New Zealand Racing Board and is: <ul style="list-style-type: none"> i. used mainly for racing or sport betting; or ii. a racecourse.

3. Objectives of the Policy

- 3.1 To support the purpose and intent of the Racing Act 2003.
- 3.2 To provide for the continued availability of TAB Venue gambling within the Kāpiti Coast District in accordance with the purpose and intent of the Racing Act 2003.
- 3.3 To encourage responsible gambling practices and attitudes in TAB Venues.

4. Scope of the Policy

- 4.1 This Policy covers stand-alone TAB Venues, which are owned or leased by the New Zealand Racing Board. Council consent is not required under current legislation to establish a TAB facility in a bar, hotel or club. If a TAB Venue wishes to host gaming machines, a separate application must be made under Council's Class 4 Gambling Policy and the TAB Venue must also meet the additional criteria set out in that Policy.

5. Rules Regarding TAB Venues

- 5.1 This Policy maintains the existing cap on stand-alone TAB Venues at two (2). No new stand-alone TAB Venues will be approved in any part of the Kāpiti Coast District if it means this cap will be exceeded.
- 5.2 Where an existing TAB 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.

6. Next Policy Review

- 6.1 In accordance with section 65E of the Racing Act 2003, this Policy will be reviewed by the Council in 2021.

Appendix 3

Responses to submission questionnaire on the draft Class 4 Gambling Policy 2018 and the draft TAB Board Venue Gambling Policy 2018

Question	Yes		No		Comments
1. Do you agree with the proposed amendments to the Class 4 Gambling Policy (<i>in regards to caps</i>)?	12 (21%)		46 (79%)		All 46 that replied 'no' want to see a reduction in the number of machines in the District.
2. Do you agree with the proposal to keep the current Relocation Policy for relocating pokie machines when a venue closes?	5 (9%)		53 (91%)		
	4 out of 5 (80%) agree with the proposal.	1 out of 5 (20%) agrees with the proposal to allow relocations when a venue closes down, but only if the new venue is in a suitable location (e.g. not near any schools).	46 of the 53 (87%) do not want any relocations allowed because they want to see a reduction in the number of machines in the District.	7 of the 53 (13%) want relocations allowed, but not per the proposal. They want a new, clear relocation policy.	
	3 (5%)		55 (95%)		

Question	Yes		No		Comments
<p>3. Should the policy allow for pokie machines to be relocated when a venue stays trading but no longer wants to have pokie machines?</p>	<p>2 out of 3 (67%) agree the the policy should allow this.</p>	<p>1 out of 3 (33%) agrees that the policy should allow this, but only if the new venue is in a suitable location (e.g. not near any schools).</p>	<p>48 of the 55 (91%) do not want these relocations allowed because they want to see a reduction in the number of machines in the District.</p>	<p>7 of the 55 (9%) want relocations allowed, but not per the proposal. They want a new, clear relocation policy.</p>	
<p>4. Is there anything you would like to see added or removed from the draft Class 4 Gambling Policy?</p>	<p>Read actual submissions to see the responses to question 4.</p>				
<p>5. Do you agree with the proposed amendments to the TAB Board Venue Gambling Policy?</p>	<p>Only 2 submitters responded to this question, and both agreed with the proposed policy.</p>				
<p>6. Is there anything you would like to see added or removed from the draft TAB Board Venue Gambling Policy?</p>	<p>No comments were provided in response to question 6.</p>				