

#### **Notice of Meeting:**

I hereby give notice that an ordinary meeting of the Regulatory Subcommittee will be held on:

Date: Friday 26 March 2021

Time: 9.00 am

Venue: Edinburgh Room, Municipal Chambers, The Octagon, Dunedin

Sandy Graham Chief Executive Officer

## **Regulatory Subcommittee**

# REVIEW OF GAMBLING AND TAB VENUE POLICY PUBLIC AGENDA

**MEMBERSHIP** 

**Chairperson** Cr Christine Garey

Members Cr Marie Laufiso

Cr Jules Radich

Senior Officer Simon Pickford, General Manager Community Services

Governance Support Officer Lynne Adamson

Lynne Adamson Governance Support Officer

Telephone: 03 477 4000 lynne.adamson@dcc.govt.nz www.dunedin.govt.nz

**Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

# REGULATORY SUBCOMMITTEE 26 March 2021





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#### 1 PUBLIC FORUM

At the close of the agenda no requests for public forum had been received.

#### 2 APOLOGIES

At the close of the agenda no apologies had been received.

### 3 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.



#### **DECLARATION OF INTEREST**

#### **EXECUTIVE SUMMARY**

- 1. Members are reminded of the need 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.
- 2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

#### **RECOMMENDATIONS**

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

#### **Attachments**

|            | Title                          | Page |
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| Name            | Responsibility<br>(i.e. Chairperson etc)                | Declaration of Interests  | Nature of Potential Interest  | Member's Proposed Management Plan  |
|-----------------|---|---|---|--|
| Christine Garey | Trustee   | Garey Family Trust - Property Ownership - Dunedin                             | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises.   |
|                 | Chair   | Creative Dunedin Partnership (Council appointment)                            | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises.   |
|                 | Member  | Dunedin Symphony Orchestra Foundation Board of Trustees (Council appointment) | Potential grants recipient  | Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting. |
|                 | Member  | Theomin Gallery Management Committee (Olveston) (Council appointment)         | No conflict identified  | Withdraw from discussion and leave the table. If the meeting is i confidential, leave the room. Seek advice prior to the meeting.  |
|                 | Chair   | Grants Subcommittee (Council Appointment)                                     | No conflict identified  | Withdraw from discussion and leave the table. If the meeting is i confidential, leave the room. Seek advice prior to the meeting.  |
|                 |   | External family member is a Principal Security Consultant                     | Major supplier to DCC   | Seek advice prior to the meeting if actual or perceived conflict of interest arises.   |
|                 | Member  | Local Government New Zealand Zone 6 Committee (Council Appointment)           | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises.   |
| Marie Laufiso   | Property Owner  | Residential Property  | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of<br>interest arises.  |
|                 | Trustee   | Community Building Trust - Trust Owner of Property 111 Moray Place            | Duty to Trust may conflict with duties of Council Office  | Seek advice prior to the meeting if actual or perceived conflict o interest arises.  |
|                 | Board Member  | Otago Mental Health Trust   | Potential grants applicant which would result in pecuniary interest. Duty to Trust may conflict with duties of Council Office | Do not participate in consideration of grants applications. If the meeting is in confidential, to leave the room.                  |
|                 | Trustee   | Brockville Community Support Trust  | Potential grants recipient  | Withdraw from discussion and leave the table. If in confidential the room. Seek advice prior to the meeting.                       |
|                 | Trustee   | Corso Ōtepoti Dunedin Trust   | Potential grants recipient  | Withdraw from discussion and leave the table. If in confidential the room. Seek advice prior to the meeting.                       |
|                 | Member  | Dunedin Manufacturing Holdings Inc  | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict o interest arises.  |
|                 | National Secretary                                      | P.A.C.I.F.I.C.A Inc   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict o interest arises.  |
|                 | Dunedin Branch Treasurer                                | P.A.C.I.F.I.C.A Inc   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict o interest arises.  |
|                 | Dunedin Branch delegate to<br>Arai Te Uru Marae Council | P.A.C.I.F.I.C.A Inc   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict or interest arises.   |
|                 | Member  | Green Party of Aotearoa New Zealand   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict o interest arises.  |
|                 | Member  | Age Concern (Council appointment)   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict c interest arises.  |
|                 | Member  | Dunedin Abrahamic Interfaith Group (Council appointment)                      | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises.   |
|                 | Member  | Dunedin Refugee Steering Group (Council appointment)                          | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict o interest arises.  |
|                 | Member  | Otago Settlers Association (Council appointment)                              | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict c<br>interest arises.   |
|                 | Member  | Dunedin Fair Trading Committee (Council appointment)                          | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises.   |

Declaration of Interest



| Name         | Responsibility<br>(i.e. Chairperson etc) | Declaration of Interests  | Nature of Potential Interest  | Member's Proposed Management Plan  |
|--------------|--|---|---|--|
|              | Deputy Chair                             | Grants Subcommittee   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Member                                   | Social Well Being Advisory Group (Council appointment)                  | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| Jules Radich | Shareholder                              | Izon Science Limited  | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Shareholder                              | Taurikura Drive Investments Ltd   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Shareholder                              | Golden Block Developments Ltd   | The Auditor General has issued a declaration under section 6(4) of LAMIA allowing Cr Radich to participate on the grounds that it is in the interests of the electors and inhabitants of the area that he be allowed to do so. The declaration applies to the Council meeting on 25 May 2020 and to discussion and deliberations on the Annual Plan 2020/21 up to and including the adoption of the Annual Plan | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director                                 | Cambridge Terrace Properties Ltd  | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director/Shareholder                     | Southern Properties (2007) Ltd  | The Auditor General has issued a declaration under section 6(4) of LAMIA allowing Cr Radich to participate on the grounds that it is in the interests of the electors and inhabitants of the area that he be allowed to do so. The declaration applies to the Council meeting on 25 May 2020 and to discussion and deliberations on the Annual Plan 2020/21 up to and including the adoption of the Annual Plan | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director                                 | Golden Centre Holdings Ltd  | The Auditor General has issued a declaration under section 6(4) of LAMIA allowing Cr Radich to participate on the grounds that it is in the interests of the electors and inhabitants of the area that he be allowed to do so. The declaration applies to the Council meeting on 25 May 2020 and to discussion and deliberations on the Annual Plan 2020/21 up to and including the adoption of the Annual Plan | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director/Shareholder                     | IBMS Ltd  | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director/Shareholder                     | Raft Holdings Ltd   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director/Shareholder                     | Otago Business Coaching Ltd   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director                                 | Effectivise Ltd   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director                                 | Athol Street Investments Ltd  | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Director/Shareholder                     | Allandale Trustee Ltd   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Shareholder                              | Aberdeen St No2 Ltd   | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|              | Member                                   | Dunedin Public Art Gallery Acquisitions Committee (Council appointment) | No conflict identified  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |

Declaration of Interest



| Name | Responsibility<br>(i.e. Chairperson etc) | Declaration of Interests   | Nature of Potential Interest | Member's Proposed Management Plan  |
|------|--|--|------------------------------|--|
|      | Member                                   | Dunedin Public Art Gallery Society (Council appointment)           | No conflict identified       | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|      | Member                                   | Road Safety Action Plan  | No conflict identified       | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|      | Member                                   | Tertiary Precinct Planning Group (Council appointment - alternate) | No conflict identified       | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|      | Member                                   | Saddle Hill Community Board (Council appointment)                  | No conflict identified       | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |

Declaration of Interest

#### **PART A REPORTS**

# RESULTS OF CONSULTATION ON REVIEW OF GAMBLING AND TAB VENUE POLICY

**Department: Customer and Regulatory Services** 

#### **EXECUTIVE SUMMARY**

- This report presents a summary of the 40 submissions received on the review of the Gambling and TAB Venue Policy (the Policy) to the Regulatory Subcommittee (the Subcommittee).
- Of the 40 submissions, responses were mixed. Some submitters (38%) support the current policy which has a sinking lid approach to the number of gambling venues and electronic gambling machines (EGMs) in Dunedin. Some (35%) support no limit to the number of venues or EGMs, and others (28%) suggest other options such as capping the number of EGMs and broadening the relocation policy.
- 3 Twelve submitters wish to be heard.

#### RECOMMENDATIONS

That the Committee:

- a) Considers the submissions on the review of the Gambling and TAB Venue Policy
- b) Makes recommendations to the Council on the Gambling and TAB Venue Policy.

#### **BACKGROUND**

#### Legislation

- The Gambling Act 2003 requires all territorial authorities to have a policy stating if it would allow new class 4 (non-casino gambling or 'pokie' machine) venues within its district and, if so, where they may be situated. The policy may also limit the number of electronic gambling machines (EGM) at those locations.
- 5 Matters to be considered during development of the policy are:
  - The characteristics of the district and parts of the district



- Locations of kindergartens, early childhood centres, schools, places of worship and other community facilities
- The number of gambling machines that should be permitted to operate at any venue or class of venue
- The cumulative effects of additional opportunities for gambling in the district
- How close any venue should be permitted to be to any other venue
- What the primary activity of any venue should be.
- The Gambling (Gambling Harm Reduction) Amendment Act 2013 requires territorial authorities to include a 'relocation policy' which sets out if and when it will grant consent for a venue to relocate within its district.
- 7 The Racing Industry Act 2020 requires territorial authorities to adopt a policy on New Zealand Racing Board venues (TABs) within its district.
- While the DCC must have a Policy, the Department of Internal Affairs (DIA) is the licensing authority and is responsible for the granting or refusing of gambling licences.

#### **Policy History**

- 9 In 2004, the Council chose to adopt a Gambling and TAB Venue Policy. At that time there were no restrictions on the number of venues or EGMs.
- In 2013, the Council reviewed the Policy. A sinking lid was adopted for South Dunedin and a cap introduced for the rest of the Dunedin area. The number of venues and EGMs in the Dunedin area has continued to fall.
- In March 2018, the Council decided to extend the sinking lid to the whole Dunedin district and to introduce a relocation clause within the Policy allowing a venue to be relocated in exceptional circumstances.
- 12 In December 2020, the Council approved the review and retention of the Gambling and TAB Venue Policy and approved the statement of proposal for consultation.

#### **DISCUSSION**

#### **Community engagement**

- The special consultative procedure was used for the Policy review, as required by the Act. Formal consultation took place from 25 January 26 February 2021. This consultation period was then extended until 10 March 2021 to advise Community Boards and provide them with the opportunity to submit as this had been inadvertently missed during initial consultation.
- 14 Consultation included information in the Dunedin City Council (DCC) website, in the Otago Daily Times noticeboard, as well as targeted emails to stakeholders such as corporate societies that hold a class 4 venue licence for a venue as well as organisations representing Māori, as required by the Act. Other stakeholders such as the Police, health providers, community trusts and those that provide treatment and support services for problem gamblers in Dunedin were also advised of the review and invited to submit.



#### **Results of Consultation**

40 submissions were received and, of these, 25 were from organisations and 15 were from individuals.

#### General Support

16 The submission form asked: *Overall, do you agree with the current Gambling and TAB Venue Policy?* 

| Options  | Number | %    |
|--|--------|------|
| Yes – overall, agree with the current policy       | 17     | 43%  |
| No - overall, do NOT agree with the current policy | 16     | 40%  |
| Did not complete this question                     | 7      | 18%  |
| TOTAL  | 40     | 100% |

Table 1: Agreement with current Policy by number and percentage

17 Of those who responded to this question, responses were split with 43% agreeing with the current Policy, 40% not agreeing and 18% not answering the question. (The total percentage does not add up to 100% due to rounding.)

#### Support for options

18 The submission form asked: Which option do you support in relation to the Gambling and TAB Venue Policy?

| Options  | Number | %    |
|--|--------|------|
| Option 1 (status quo and preferred option): Retain the existing policy which has a sinking lid approach to the number of venues and gambling machines in Dunedin. The existing policy does not allow relocation of venues unless in exceptional circumstances. | 15     | 38%  |
| Option 2: Do not limit the number of venues or gambling machines anywhere in Dunedin and grant consent for relocating gambling venues. Limit where new gambling venues may be established.   | 14     | 35%  |
| Option 3: Other, please specify  | 11     | 28%  |
| TOTAL  | 40     | 100% |

Table 2: Support for options by number and percentage

Of the three options provided, 38% supported the option of retaining the existing policy, whilst 35% support the option of not limiting the number of venues or gambling machines anywhere in Dunedin and granting consent for relocating gambling venues. In addition, 28% percent chose the 'Other' option. Of these, a number suggested capping the number of EGM machines and some suggested broadening the relocation policy.

#### **General Comments**



The submission form asked: Do you have any other comments about the Gambling and TAB Venue Policy?

| Options   | Number of submitters |
|---|----------------------|
| Loss of community funding with sinking lid policy | 21                   |
| Reduce gambling harm with sinking lid             | 13                   |
| Cap number of EGMs at current level               | 10                   |
| Broaden relocation policy                         | 5                    |
| General comments                                  | 26                   |

Table 3: Summary of comments by number

- The most common topic was concern over the loss of community funding potentially associated with a sinking lid policy (21 submitters). Other submitters suggested support for the policy as it reduces gambling related harm (13 submitters), a cap on the number of EGMs so that community funding would not be further limited (10 submitters) and broadening the relocation policy (5 submitters).
- The amount of gambling venue spend in the Dunedin area is monitored by the Department of Internal Affairs and is reported quarterly. Since Dunedin's first Gambling and TAB Venue Policy was introduced in 2013 there has been a decline in the numbers of both Class 4 gambling venues and machines. However there has not been a corresponding decline in the amount spent on those machines. Therefore, there has been no decrease in the amount of money available for community funding in the Dunedin district.

#### **Amendment to Policy**

23 Since the last review of the Policy, the Racing Act 2003 has been replaced with the Racing Industry Act 2020. While the Policy meets requirements of the Racing Industry Act, references to the Racing Act within the Policy will be amended to reflect this change.

#### **OPTIONS**

There are no options with this report as its purpose is to present a summary of submissions.

#### **NEXT STEPS**

Next steps are for the Subcommittee to consider consultation results, hear the submitters and make recommendations to the Council regarding the Gambling and TAB Venue Policy.

# Signatories

| Author:     | Anne Gray - Policy Analyst   |  |  |
|-------------|--|--|--|
|             | Kevin Mechen - Secretary, District Licensing Committee                 |  |  |
| Authoriser: | Paul Henderson - Acting Group Manager Customer and Regulatory Services |  |  |
|             | Simon Pickford - General Manager Community Services                    |  |  |

#### **Attachments**

There are no attachments for this report.



| SUMMARY OF CONSIDERATIONS   |                 |                 |                           |  |
|---|-----------------|-----------------|---------------------------|--|
| Fit with purpose of Local Government  |                 |                 |                           |  |
| This decision enables democratic local decision making and action by, and on behalf of communities.  This decision promotes the social well-being of communities in the present and for the future.  This decision promotes the economic well-being of communities in the present and for the future. |                 |                 |                           |  |
| Fit with strategic framework  |                 |                 |                           |  |
|   | Contributes     | Detracts        | Not applicable            |  |
| Social Wellbeing Strategy   | $\boxtimes$     |                 |                           |  |
| Economic Development Strategy   |                 |                 | $\boxtimes$               |  |
| Environment Strategy  |                 |                 | $\boxtimes$               |  |
| Arts and Culture Strategy   |                 |                 | $\boxtimes$               |  |
| 3 Waters Strategy   |                 |                 | $\boxtimes$               |  |
| Spatial Plan  | $\boxtimes$     |                 |                           |  |
| Integrated Transport Strategy   |                 |                 | $\boxtimes$               |  |
| Parks and Recreation Strategy   |                 |                 | $\boxtimes$               |  |
| Other strategic projects/policies/plans   |                 |                 | $\boxtimes$               |  |
| The Policy contributes to the Social Wellbeing Stra   |                 |                 |                           |  |
| connected people, and safe and healthy people.  | It also contrib | outes to the Sp | patial Plan priority of a |  |
| liveable city – a safe and healthy environment.   |                 |                 |                           |  |
| Māori Impact Statement  |                 |                 |                           |  |
| It is a legal requirement to provide notice of the proposed policy to organisations representing Māori in the area and this was part of the community engagement plan. Māori and Pasifika are disproportionately represented in problem gambling statistics.  |                 |                 |                           |  |
| Sustainability  |                 |                 |                           |  |
| This summary report for consideration has no known implications for sustainability.   |                 |                 |                           |  |
| LTP/Annual Plan / Financial Strategy /Infrastructure Strategy   |                 |                 |                           |  |
| There are no implications for these documents.  |                 |                 |                           |  |
| Financial considerations  |                 |                 |                           |  |
| There are no financial considerations.  |                 |                 |                           |  |
| Significance  |                 |                 |                           |  |

This summary report is considered low in terms of the Council's Significance and Engagement Policy. However, it is recognised that community views on gambling are strong and polarised.

#### Engagement - external

Consultation for was carried out using the special consultative procedure as outlined in the Local Government Act. The Gambling Act requires this method of consultation. Information presented in the statement of proposal on the benefits and harm caused by problem gambling was drawn from the DIA, Gambling and Addictions Research Centre and the Ministry of Health. Each corporate society that holds a class 4 venue licence for a venue on the district as well as organisations representing Māori were advised of the review, as required by the Act. Other organisations that provide treatment and support services for problem gamblers in Dunedin were also advised of the review and invited to submit.



#### **SUMMARY OF CONSIDERATIONS**

Engagement - internal

There has been no internal engagement.

Risks: Legal / Health and Safety etc.

There are no known risks.

Conflict of Interest

There is no conflict of interest.

**Community Boards** 

Community Boards were advised of the review and invited to submit.



## **SPEAKING SCHEDULE**

Department: Civic

### **EXECUTIVE SUMMARY**

1 Please find attached the speaking schedule as at 18 March 2021.

# **Signatories**

| Author: | Lynne Adamson - Governance Support Officer |
|---------|--|
|---------|--|

#### **Attachments**

Title Page

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# Gambling and TAB Venue Policy 2021 Hearing Speaking Schedule as at 18 March 2021

| Time       | Name  | Submission # |  |
|------------|---|--------------|--|
| 9.10 am    | Bronwyn Powell-Grub                           | 807893       |  |
|            | Salvation Army Oasis                          |              |  |
| 9.20 am    | Jo-Anne Grimwood on behalf of David Pirie     | 807875       |  |
|            | Public Health South, Southern District Health |              |  |
|            | Board via zoom                                |              |  |
| 9.40 am    | Cameron Burrow                                | 808086       |  |
|            | St Clair Surf Life Saving Club                |              |  |
| 9.50 am    | Cameron Burrow                                | 808147       |  |
|            | Dunedin Rugby Football Club                   |              |  |
| 10.10 am   | Andy McLean                                   | 807344       |  |
|            | Otago Hockey Association                      |              |  |
| 10.20 am   | Brent Wolf                                    | 804687       |  |
|            | St Clair Surf Life Saving Club                |              |  |
| Break      |   |              |  |
| 10.50 am   | Sarah Campagnolo                              | 807407       |  |
|            | PFG Services                                  |              |  |
| 11.00 am   | John Brimble                                  | 807492       |  |
|            | Sport Otago                                   |              |  |
| 11.20 am   | Jarrod True                                   | 807466       |  |
|            | Gaming Machine Association New Zealand        |              |  |
| 11.30 am   | Tony Goldfinch                                | 807882       |  |
|            | Lion Foundation                               |              |  |
| 11.40 am   | Darelle Jenkins                               | 807880       |  |
|            | Hospitality NZ Otago                          |              |  |
| 12.00 noon | Tanya Piejus                                  | 806630       |  |
|            | New Zealand Community Trust via zoom          |              |  |

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