

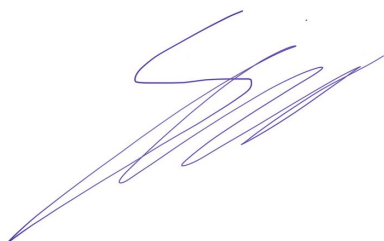
Gambling Venue Relocation Consent Appeal – Rossco’s Café and Bar, 40 Wharf Street, Tauranga to Worlds End, Shop 7, Fraser Cove 229-233 Fraser Street, Tauranga

At its meeting on 21 February 2020, the Regulatory Committee resolved:

That the appeal by the Lion Foundation 2008 against the decision to decline the application to relocate an 18-machine gambling licence from 40 Wharf Street, Tauranga (Rossco’s Café and Bar site) to Shop 7, Fraser Cove 229-233 Fraser Street, Tauranga (Worlds End Bar and Restaurant site) is upheld; and that the consent be granted.

Reasons: Having considered the Notice of Appeal and heard the evidence of staff and the appellant, the Committee upheld the appeal on the following grounds:

- The interpretation and application of Clause 5.5 of Council’s Gambling Venues Policy (the policy) was the key factor in determining the appeal.
- Clause 5.5 stated “No additional gaming machines may be operated at Class 4 Venues with(in) the Tauranga City boundaries”. For this relocation consent application, council had interpreted the clause as applying to individual Class 4 venues as well as at the wider city boundary level; and had declined the application as the number of machines at Worlds End Bar and Restaurant would be increased. The appellant submitted that the clause referred to Class 4 Venues as a whole and applied to the overall number of gaming machines within city boundaries.
- The Committee preferred the appellant’s evidence and interpretation of Clause 5.5.
- Any ambiguity in the specific wording of the policy should be considered in the context of the purpose of the policy. The purpose included “to control the growth of class 4 and TAB venue gambling in Tauranga”; and “to minimise the harm to the Tauranga community caused by class 4 and TAB venue gambling”. The net effect of the relocation was a reduction of the total number of gaming machines within the city; which was in keeping with the purpose and objectives of the policy.
- The Committee agreed that, in this case, the consent application should be considered as a relocation of an existing gaming licence rather than the establishment of a new gaming venue. While the criteria for relocation under Clause 5.4 of the policy had been met (venue deemed earthquake-prone and expiration of lease), the Committee considered that the loss of the liquor licence for Rossco’s Café and Bar may have also been a motivating factor for relocation.
- The Committee noted the consent granted by council to Grassroots Trust Limited in 2018 for relocation of 18 gaming machines.
- The Committee found that upholding the appeal would not be contrary to the purpose and principles of the policy.



Councillor Steve Morris,
Chairperson, Regulatory Committee.