



ATTACHMENTS

**Strategy, Finance and Risk Committee
meeting
Separate Attachments 1**

Monday, 18 September 2023

Table of Contents

9.8	Adopt Draft Gambling Venues Policy for Consultation	
	Attachment 1 Statement of Proposal - Gambling Venues Policy Review 2023 (A14959246).....	4
	Attachment 2 Draft Gambling Venues Policy 2023 mark up for consultation.....	36
	Attachment 3 Summary of Initial Consultation Engagement for 2023 Gambling Venues Policy Review	41
9.9	Draft Revised Community Funding Policy Hearings Report	
	Attachment 1 Written submissions_ALL	43
	Attachment 2 Targeted consultation events - summary	100
	Attachment 3 Consultation document.....	102

Statement of proposal for the draft Gambling Venues Policy 2023



This statement of proposal includes:

- the reasons for the proposal
- the social impact assessment of gambling within Tauranga City
- the draft Gambling Venues Policy 2023.

Draft Gambling Venues Policy 2023

Council is proposing some changes to its Gambling Venue Policy and wants to hear what you think about them.

We have a responsibility to control aspects of gambling in our city to minimise the harm it can cause. We are seeking to balance the interests of members of our community that experience harm from gambling and the interests of the members of our community that enjoy gambling as a form of entertainment and those that seek to generate funding from gambling.

Through our Gambling Venues Policy we can control the number of venues that have gambling machines (also known as pokies), the number of pokie machines they have, and where they can move to.

Under the council's current policy, no new gambling venues can be opened in Tauranga City and pokie machine numbers cannot increase. The policy only lets venues move for very strict reasons. Any relocation must be to a specified area. The specified areas are away from areas where research tells us pokies are likely to do more harm in our community.

There are currently 32 Class 4 gambling venues and four TAB venues in Tauranga. In these venues there are 469 machines operating (as of June 2023).

A portion of the proceeds from gambling must be returned to the community each year through grants and funding to sports and other community organisations. TAB New Zealand provides funding to the racing industry and racing codes, national sporting organisations and community organisations. The operators of pokie machines provide funding to community organisations, including sports clubs. Clubs with pokies, such as RSAs, use the proceeds from their machines for the benefit of their members, funding club activities and operations.

We need to consider the social impacts of gambling in our community when considering whether to include relocation criteria in our policy. A social impact assessment is attached for reference in Appendix A.

Council is proposing some changes to our current policy.

- Gambling venues would be able to move to different locations for any reason, even if they could continue to operate in their current location.
- Gambling venues wishing to move would only be able to move to commercial or industrial zones and more than 100m away from areas where people live that national research shows gambling could do more harm, also called residential zones with a deprivation index of 8, 9, or 10.
- Removing the outdated and hard-to-read maps that show where gambling venues can move to from the policy, instead providing up to date maps on our website and on request.
- Make other minor changes to ensure the policy is up to date.

The draft policy, containing the proposed amendments to the current policy, is attached at Appendix B.

Reason for the proposal

Gambling venues would be able to move to different locations for any reason, without the needing to meet the current criteria for moving.

The proposed policy change would mean:

- if a Class 4 gambling venue or TAB venue would like to move from their current premises to new premises that meet the location criteria, they could move.

We have chosen this approach as Council thinks it will retain control of the number of gambling venues and the harm they will cause, while continuing to enable the funding of sports and community organisations through grants from gambling.

Advantages of this change include:

- Increased ability for gambling venues to move away from areas where people live and the most harm from gambling is likely to be experienced. Many gambling venues are located in communities that are more likely to experience harm from gambling and are unable to move with current relocation criteria.
- New growth areas of the city will be able to have gambling venues, subject to the location criteria.
- Provides opportunities for people who wish to gamble to continue to do so, although these opportunities may still decrease over time.

Disadvantages of this change include:

- Less likely to decrease the number of gambling venues and pokie machines in Tauranga City over time as venues may choose to move rather than close.

The other options related to the relocation criteria considered in the review of this policy were:

- Status quo i.e. gambling venues only able to move if they were unable to continue to operate in their current premises for reasons such as natural disaster or fire, expiration of lease, site redevelopment and being deemed earthquake prone.

- Gambling venues would not be able to move.

We're updating where gambling venues can move to so that it is based on the most up-to-date data. Relocation areas will be restricted to commercial or industrial zones more than 100m away from residential zones with a deprivation index of 8, 9, or 10, as measured on the NZDep 2018 or subsequent updated indexes.

The current policy relies on data that is from the 2013 census. The proposed policy change would mean that venues could not move to within 100m of residential zones that have been identified as being the most deprived in Tauranga based on the most current data available. To illustrate how this looks, the areas of restriction are identified in the maps attached to this proposal at Attachment C¹.

The reason for this approach is that there is evidence that locating gaming machines in neighbourhoods of high social deprivation increases the risk of harm from gambling.

Make minor changes to ensure the policy is up to date.

There are also some changes required in order to ensure the policy is consistent with the proposed relocation criteria and legislative changes. These are as follows:

- References to current legislation, Racing Industry Act 2020 replacing the Racing Act 2003.
- References to current and future measurements of deprivation to keep up with changes in the city over the life of the policy.
- References to current council committees and strategic documents.

Legislative Context

The Gambling Act 2003 and Racing Industry Act 2020 control gambling within New Zealand. The legislation focuses on ensuring that the harm that gambling can cause is minimised, and that the community benefits from the proceeds of gambling.

Under these acts, we are required to:

- have a policy that states whether or not Class 4 venues (pubs, hotels, clubs and TAB venues that host gaming machines, commonly known as pokies) and stand-alone TAB venues (places where people can participate in sports and race betting) may be established in the city boundaries, and if so where they may be located
- follow the special consultative procedure set out in the Local Government Act 2020 when adopting changes to the policy.

¹ The indicative maps are no longer attached to the policy as they became outdated between reviews and were of limited use due to scale. Instead, maps will be provided on the council website so that they can be maintained with current data, and they will also be available on request to a scale that is appropriate for the purpose of the request.

Submissions

The submissions period will run from **Monday 25 September 2023 until Wednesday 25 October 2023**, with hearings and deliberations to be held in November/December 2023.

Full copies of the draft policy and submission forms are available from:

- Council's website at www.tauranga.govt.nz/gambling
- Council's Customer Service Centre at He Puna Manawa – 21 Devonport Road
- Council's Mount Hub – 9 Prince Avenue
- Tauranga, Mount Maunganui, Greerton and Papamoa libraries
- contact Jenn Ross at Tauranga City Council on policy@tauranga.govt.nz or 07 577 7000 with any queries.

Appendices

- Appendix A: Social Impact Assessment 2023
- Appendix B: draft Gambling Venues Policy 2023
- Appendix C: maps indicating areas that meet relocation criteria as at August 2023

Appendix A: Social Impact Assessment 2023

Social Impact Assessment of Class 4 and TAB Gambling in Tauranga City.

August 2023

Page | 1

1. Executive Summary

Council adopted the [Gambling Venues Policy 2019 \(the policy\)](#) on 14 March 2019 and did not change the policy following its 2022 review.

The policy includes a 'sinking lid' for Class 4 gambling venues and gaming machines (also known as 'pokies'). This provision does not allow any new Class 4 venues to be established and no increase in gaming machine numbers to be approved. In addition, when an existing Class 4 venue closes, the policy does not allow consent to be provided for another venue to be established other than in limited circumstances.

In response to concerns that the limited ability to relocate venues may not be meeting the needs of our growing city and be keeping venues close to areas of higher deprivation, the Strategy, Finance and Risk Committee has requested a review of the relocation criteria. In accordance with s102(5B) of the Gambling Act 2003 and s96(2) of the Racing Industry Act 2020, the council must consider the social impact of gambling within Tauranga when considering the policy. This report is to inform those considerations.

Summary of conclusions:

- The sinking lid policy has not significantly reduced the number of gambling venues in Tauranga. The number of gambling venues in Tauranga was stagnant at 34 venues for the years following the introduction of the sinking lid policy. In the last few months two venues have closed, reducing the total to 32 venues. The number of gaming machines operating in Tauranga had been increasing until the closing of those two venues reduced the number of gaming machines from 497 to 469 (as at June 2023).
- The available information related to funding generated for grants distribution includes Department of Internal Affairs (DIA) statistics showing that the total pool of community grants funding available has continued to increase since the introduction of the "sinking lid" and restricted relocation criteria.
- The number of people in Tauranga seeking help for problem gambling is fluctuating from year to year but the number of people who have received gambling harm treatment services has trended downward.
- Class 4 problem gambling significantly and disproportionately impacts Māori and Pacific communities. Greater consideration may need to be given to the impacts of Class 4 gambling on these communities compared to the general population in Tauranga. Culturally appropriate responses to this issue are advisable.
- Nearly a third of the existing Class 4 gambling venues in Tauranga are located in areas of very high deprivation ratings and two thirds are in areas of medium high to very high deprivation ratings.

2. Background

The Council adopted an amended [Gambling Venues Policy 2019](#) on 14 March 2019.

Regulatory Roles and Responsibilities relating to Class 4 Gambling

The Department of Internal Affairs (DIA) is responsible for determining new venue licences upon receipt of a completed application form, which must include a venue consent provided by the Council:

Council's Role	Department of Internal Affairs' (DIA) Role
<ul style="list-style-type: none"> Determine New Venue Consents (location and machines by applying the Class 4 Policy) Provide New Venue Consents 	<ul style="list-style-type: none"> Regulate Existing Venues Issue/Renew Venue Licences (upon receipt of application which includes Council's venue consent)

3. Impact of Gambling

According to the biennial survey conducted by the Health Promotion Agency over 69% of adults over 15 years old have been involved in at least one gambling activity in the 12 months to the last survey in 2020. This survey shows a decline in Class 4 gaming machines machine use, however, the Covid-19 government restrictions on venues may have impacted people's ability to use Class 4 gaming machines prior to the last survey. There is a sharp increase in online gambling from 13% in 2018 to nearly 27% in 2020. The graph below provides the trends for the types of gambling New Zealanders are participating in.

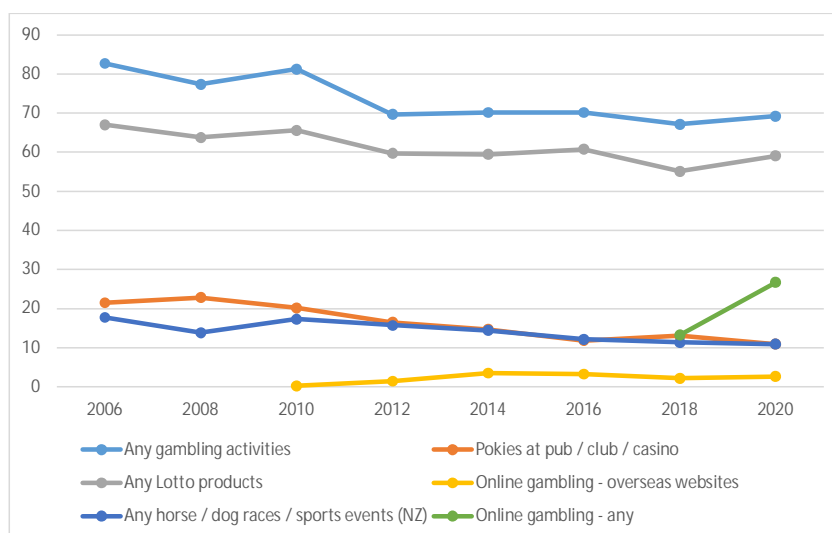


Figure 1: National Gambling Participation (Involvement in at least one gambling activity in the past 12 months to survey date)¹

¹ Retrieved from <https://kupe.hpa.org.nz/#1/gambling/gambling-participation> Te Hīringa Hauora & Kupe. (2020). Health and Lifestyles Survey.

While most New Zealanders gamble without experiencing any apparent harm, a minority do experience harm from their gambling, including negative impacts on their own lives and the lives of others.

Harm may include damage to relationships, emotional and psychological distress, disruptions to work or study, loss of income, the financial impacts of gambling, and potentially fraud and related crimes, which can also impact negatively on the gambler’s family, whānau and community. It may also cause financial stress and anxiety and contribute to child neglect and family violence.²

Gambling behaviour is strongly associated with distance to the nearest gambling venue.³ People living in high deprivation communities are more likely to participate in gambling and more at risk of being a problem gambler.⁴

To provide a picture of problem gambling in Tauranga the Ministry of Health collect data on clients who have sought help for problem gambling. According to the Ministry of Health 140 clients in Tauranga City sought intervention services in 2021/2022, of which 90 were new clients. Figure 2 below shows how the number of people seeking help for problem gambling has decreased overall in the last decade but not in every year.

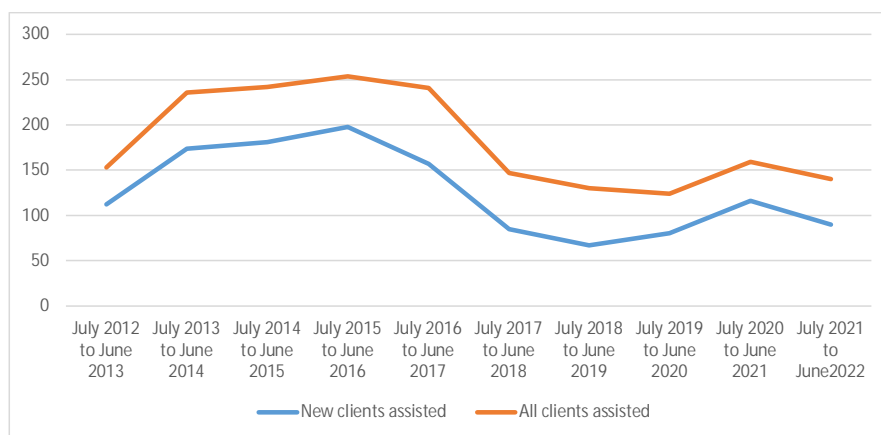


Figure 2: Clients Assisted in Tauranga for the 2012/13 to 2021/22 Financial Years (All Intervention Type)⁵

4. Cultural Considerations

Māori comprise more than 18% of Tauranga’s population, higher than the national average of 16.5%. Many Māori are affiliated to one of the three iwi (tribes) of Tauranga Moana (Ngāi Te Rangī, Ngāti Ranginui and Ngāti Pūkenga). Pacific peoples comprise 2.9% of Tauranga’s population, lower than the national average of 8.1%.

The Strategy to Prevent and Minimise Gambling Harm, released by the Government on 28 June 2019, states:

² Government Inquiry into Mental Health and Addiction 2018

³ [“Assessment of the Social Impacts of Gambling in New Zealand”](#) Ministry of Health 2008

⁴ Problem Gambling Foundation 2011

⁵ <https://www.health.govt.nz/our-work/mental-health-and-addiction/addiction/gambling/service-user-data/intervention-client-data#territorial>

"... Māori and Pacific adults were more likely to develop problems from gambling (ie, to become a low-risk, moderate-risk or problem gambler) than European/other New Zealanders. Asian people also experienced a slightly higher risk. Importantly, while inequalities between population groups by age, social deprivation, gender and ethnicity have reduced in absolute terms, in relative terms, disparities in exposure to gambling and experience of gambling-related harm persist and have been relatively static over the past five years. Māori, Pacific peoples and Asian peoples are each more than twice as likely to experience moderate to severe gambling harm than the European/other population."

Information from the Problem Gambling Foundation indicates that nationally:

- Māori populations comprise 31% of problem gambling intervention service clients but make up only 15% of the population
- Pacific populations comprise 21% of problem gambling intervention service clients but make up only 8% of the population
- There has been a rise in the number of Māori women seeking help for gambling problems. Māori women seeking help for their gambling problems almost exclusively (85.6% in 2008) cite gaming machines as their problematic mode of gambling.

In the 2020 Health and Lifestyles survey, 4.5% of adults reported experiencing at least one form of household-level gambling harm. For Maori and Pacific respondents the results were much higher at 11% for Māori respondents and 8.7% for Pacific respondents.

In 2009 a study⁶ concerning gambling in Māori communities outlined how Māori children are at risk if gambling is part of their young lives. Children perceived that they lost their parents, through emotional isolation as well as through both separation and divorce. As parents participated in more gambling, the children lost respect for their parents, the sense of being loved and valued, the feeling of being cared for and cared about. Some children missed out on essential aspects of family life, such as adequate nutrition as well as more enduring memories from family outings and holidays.

Conclusion:

Class 4 problem gambling significantly and disproportionately impacts Māori and Pacific communities. Greater consideration may need to be given to the impacts of Class 4 gambling on these communities compared to the general population in Tauranga. Culturally appropriate responses to this issue are advisable.

5. Gambling venue and gaming machine numbers

Since the policy came into effect in March 2019, the number of venues initially fluctuated but was been stagnant at 34 venues between December 2020 and March this year. Since March the TAB in Bethlehem and another venue has closed, reducing the number of venues at the time of this report to 32. Figure 3 below shows the overall trend since 2018 has been a decline in venue numbers as clubs and venues consolidate (merge) as part of cost saving measures. In most cases, a venue merge has not resulted in a decline in gaming machine numbers.

⁶ [The impact of gambling on Māori. Ngā Pae o te Māramatanga](#)

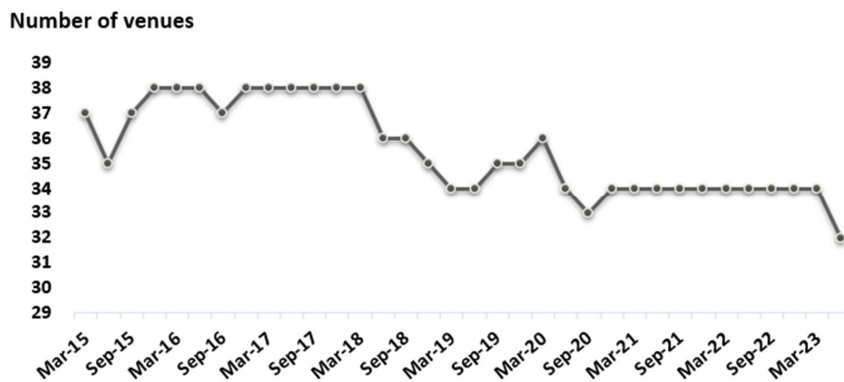


Figure 3: Numbers of gaming machine venues in Tauranga City⁷

The overall trend for gaming machines operating has been increasing (see table 1 below). The apparent decline in machine numbers operating in Sept 2020 was related to mergers, relocations and new venues still involved in a transition process and numbers returned to earlier levels once those concluded. The two venues that have closed in recent months did not seek relocation and one of the venues still has some time to run on the period in which it could reopen (at the time of this report).

Table 1: Venues and Gaming Machines in Tauranga City⁸

Quarter	Venue numbers	Gaming Machine numbers operating
March 19	34	488
June 19	34	479
Sept 19	35	487
Dec 19	35	469
March 20	36	467
June 20	34	467
Sept 20	33	458
Dec 20	34	458
March 21	34	466
June 21	34	486
Sept 21	34	486
Dec 21	34	496
March 22	34	478
June 22	34	496
Sept 22	34	496
Dec 22	34	497
March 23	34	497
June 23	32	469

⁷ [GMP Dashboard, Department of Internal Affairs](#)

⁸ [GMP Dashboard, Department of Internal Affairs](#)

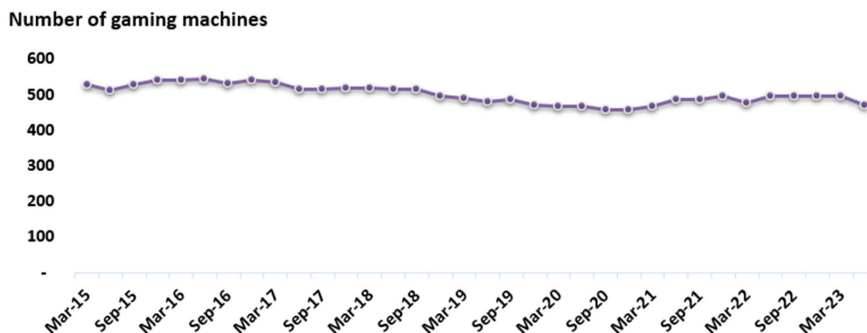


Figure 4: Numbers of gaming machines operating in Tauranga City⁹

Since March 2015, mergers and relocations have resulted in a reduction in the number of venues located in medium high deprivation areas (see figure 5). However, even with this reduction, approximately 63% of gambling venues are located in areas considered medium-high or very high deprivation.

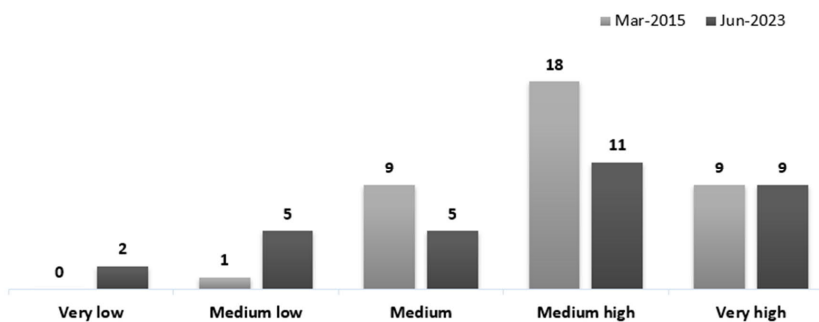


Figure 5: Number of Venues in Tauranga by deprivation rating¹⁰

⁹ [GMP Dashboard, Department of Internal Affairs](#)

¹⁰ [GMP Dashboard, Department of Internal Affairs](#)

Figure 6 below shows the location of gaming machines in Tauranga and the deprivation ratings.

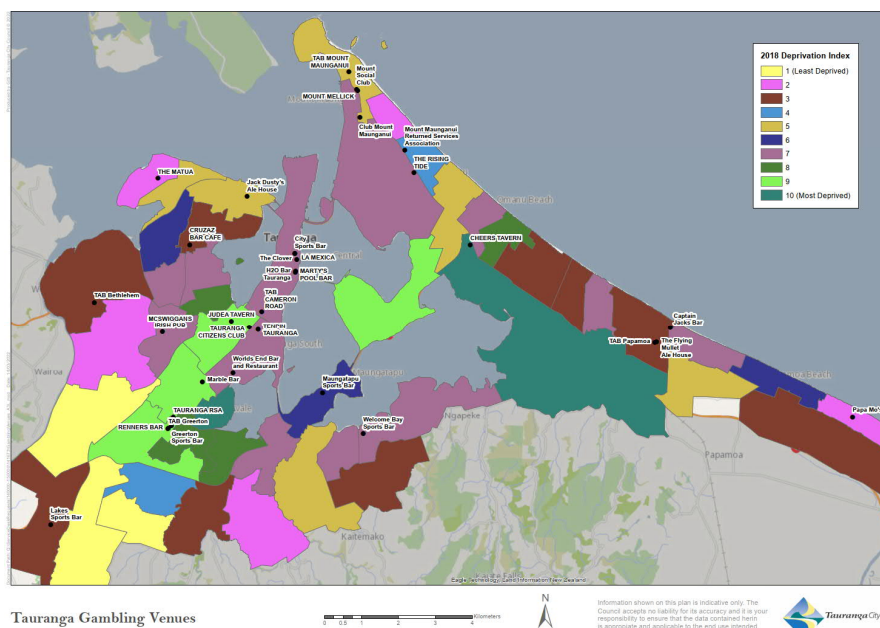


Figure 6: Map of the location of gaming machines in Tauranga showing deprivation rating (TAB Bethlehem and Greerton Sports Bar have closed since this map was prepared)

Conclusion:

Since the current Gambling Venues Policy came into effect on March 2019 the number of gaming machines operating had continued to increase until the recent closure of two venues reduced the number by 28. The majority of venues remain in areas that have medium high or very high deprivation ratings.

6. Gaming Machine Profits

The money put into a gaming machine that is not returned to a player¹¹ is called Gaming Machine Profits (GMP). GMP is distributed according to rules from the Te Tari Taiwhenua, Department of Internal Affairs, with at least 40% returned to the community and a similar amount paid to the Government in Duty and Tax, the remainder goes toward the cost of hosting and operating the machines, and societies that operate them.

There are two types of society that operate class 4 gaming machines:

- *Public societies* are societies that operate gaming machines in commercial venues such as bars. They distribute their profits to the wider community by way of grants.

¹¹ The term 'returned to player' does not necessarily mean the player that put the money into the machine received the returned funds. This term refers to funds returned to players in general in the form of 'winnings'.

- *Clubs* are societies that operate gaming machines in their own premises and apply gaming funds to their own purposes. There are three types of clubs:
 - Chartered clubs
 - Returned Services Associations
 - Sports clubs

Currently, these societies are legally required to allocate a minimum of 40% of GMP back into the community. The societies do not necessarily advertise the availability of funding; however, they are required to advertise the beneficiaries annually.

In the year to June 2023, \$1,070,228,393.57 GMP was available across New Zealand to be used for authorised purposes – including community grants¹².

Table 2: Yearly GMP in Tauranga

Yearly GMP (year ending)	
Jun-2022	\$34,717,198.54
Jun-2023	\$40,981,125.99
Difference	\$6,263,927.45 ↑ 18.0%

Despite a decrease in the GMP over the March and June-2020 Quarters due to Covid-19, annual GMP recovered and increased comparative to the September-2019 Quarter, when the sinking lid policy was first introduced (see figure 7).

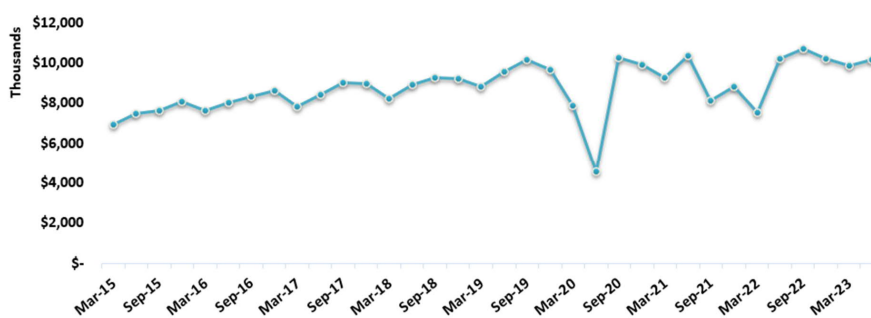


Figure 7: GMP per quarter for Tauranga City March 2015-June 2023¹³

While gaming funds available for the community to access were adversely impacted by Covid-19 the long-term trend suggests that gaming machine profits available for the community to access will continue to increase.

A way to compare year on year expenditure equally is by taking GMP as a percentage of Electronic Gaming Machines (EGM) which has increased by 64.6% or \$8,504.31 since 2015 in Tauranga. This

¹² [GMP Dashboard, Department of Internal Affairs](#)

¹³ [GMP Dashboard, Department of Internal Affairs](#)

means players are either spending longer hours playing gaming machines, betting more per game or more players are playing gaming machines¹⁴.

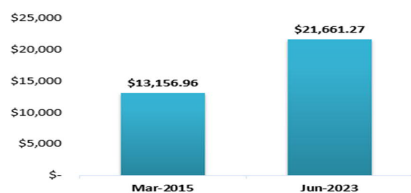


Figure 8: GMP per EGM for Tauranga March 2015-June 2023¹⁵

In comparison, Napier and Hastings who have a similar combined population size and policy approach as Tauranga, have a combined GMP per EGM increase of \$8,123.78 which totals \$20,389.31 in June 2023 or a 66.2% change.¹⁶ The national GMP per EGM increased by \$7,085.41, which translates to \$18,715.05 in June 2023 or a 60.9% change.¹⁷

Conclusion:

While venue and machine numbers have declined since 2015 (both in Tauranga and nationally) GMP continues to increase. This means players are either spending longer hours playing gaming machines, betting more per game or more players are playing gaming machines.

As a result of these trends, it is unlikely that a reduction in community grants funding will occur in the short to medium term as a result of a ‘sinking lid’ policy.

It is likely that gaming machine funding will remain at approximately the same level or decline very slowly, allowing considerable time for organisations to adapt and identify other sources of funding.

7. Allocation of Grants in Tauranga City

Te Tari Taiwhenua, Internal Affairs, maintains a grant database tracking the allocation of grants from Class 4 gaming machine profits¹⁸. In 2022 gambling machine grants to organisations in Tauranga totalled \$12,553,534.00.

Of the funding allocated to organisations based in Tauranga in 2022, sports organisations received \$7,669,928.00 while community groups received \$2,064,682.88 and community services (health/welfare/rescue) received \$1,237,961.54.

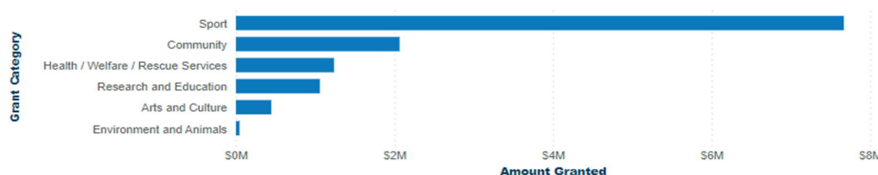


Figure 9: Funding allocated in Tauranga 2022¹⁹

¹⁴ [GMP Dashboard, Department of Internal Affairs](#)
¹⁵ [GMP Dashboard, Department of Internal Affairs](#)
¹⁶ [GMP Dashboard, Department of Internal Affairs](#)
¹⁷ [GMP Dashboard, Department of Internal Affairs](#)
¹⁸ [Granted.govt.nz](#)
¹⁹ [Granted.govt.nz](#)

Appendix B: Draft Gambling Venues Policy 2023

DRAFT GAMBLING VENUES POLICY



Policy type	Council		
Authorised by	Council		
First adopted	2004	Minute reference	M04/58.9
Revisions/amendments	22 March 2007 9 March 2010 12 March 2013 14 March 2016 14 March 2019 16 May 2022 [December 2023]	Minute references	M07/19.3 M10/13.4 M13/10.6 M16/10.3 M19/3.7 SFR4/22/2 M [TBC]
Review date	Council must complete a review of the policy within three years of the previous review – refer 102(5) Gambling Act 2003 and s65E Racing Act 2003 s97(4) Racing Industry Act 2020 .		

1. PURPOSE

- 1.1. To control the growth of Class 4 and TAB venue gambling in Tauranga.
- 1.2. To minimise the harm to the Tauranga community caused by gambling in Class 4 venues and TAB venues.
- 1.3. To allow people who wish to participate in gambling to continue to do so.
- 1.4. To define the parameters for when consent for a Class 4 venue or TAB venue will be granted.

2. SCOPE

- 2.1. Under the Gambling Act 2003, Council is required to adopt a policy for Class 4 venues. Under the Racing Industry Act 2020, the Council is required to adopt a policy for TAB venues. Council has chosen to combine the two policies, as the Council's role is to regulate gambling venues and ensure they meet the requirements outlined in this policy.
- 2.2. This policy and any subsequent reviews must be adopted in accordance with the special consultative procedures set out in the Local Government Act 2002.
- 2.3. This policy:
 - must state whether or not Class 4 venues and TAB venues may be established in the city boundaries and if so where they may be located; and
 - may specify any restrictions on the number of Gaming machines that may be operated at any Class 4 venue.

- 2.4. In developing its policy on Class 4 and TAB venues, Council must have regard to the social impacts of gambling in its district.
- 2.5. Gambling affects the social and economic wellbeing of our community. ~~It is important that Council manages this correctly in order, must balance the interests of members of our community that experience harm from gambling and members of our community that seek to generate funding from gambling~~ to achieve a city ~~with~~ that is Tauranga Matarauui, inclusive, safe, resilient and healthy, and ~~is~~ Tauranga Tātai Whenua, well planned with successful and thriving communities.
- ~~The draft Community Wellbeing Strategic Plan 2018-21 notes the Gambling Venues Policy will be reviewed to provide policies that support healthy and active living.~~

3. DEFINITIONS

Term	Definition
Class 4 gambling	Gambling that utilises or involves a Gaming machine or gambling that has been categorised as class 4 gambling by the Secretary for Internal Affairs.
Class 4 venue	A place to conduct Class 4 gambling.
Club	A voluntary association of persons combined for a purpose other than personal gain, as defined in the Gambling Act 2003.
Council	Tauranga City Council
Corporate society	A society that is: (a) incorporated under the Incorporated Societies Act 1908; or (b) incorporated as a board under the Charitable Trusts Act 1957; or (c) a company incorporated under the Companies Act 1993 that: a. does not have the capacity or power to make a profit; and b. is incorporated and conducted solely for authorised purposes; or (d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982.
Family or children's activity	An activity which, in Council's opinion, is primarily associated with and/or promoted as an activity that is appropriate for any group that includes children under the age of 18.
Gaming machine	A device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for gambling, or as otherwise defined in the Gambling Act 2003. Also commonly known as 'pokie machines'.
NZ Index of Deprivation <u>Dep 2013</u>	The area-based measure of socioeconomic deprivation as defined in the <u>NZDep2013</u> Index of Deprivation published by University of Otago, Wellington or such subsequent or replacement publications as determined by Council.
Primary activity	The principal purpose of, and promoted by, the venue.

TAB venue	Premises owned or leased by the NZ Racing Board <u>TAB New Zealand</u> and where the main business at the premises is providing racing or sports betting services.
Venue licence	A class 4 venue licence issued by the Secretary for Internal Affairs.

4. PRINCIPLES

- 4.1. Gambling can have negative impacts on the financial, health and emotional wellbeing of individuals and their families.
- 4.2. Gambling is also considered by many as a positive form of entertainment and contributes funding to the local community.

5. POLICY STATEMENT

- 5.1. What the policy applies to

- This policy applies to both Class 4 venues and TAB venues.

- 5.2. When Council consent is required

Council consent for a venue is required in the circumstances set out under section 98 of the Gambling Act 2003 and section ~~65A of the Racing Act 2003~~ 93 of the Racing Industry Act 2020, which, at the date of this policy, includes:

- if a Corporate society applies for a Venue licence and a Venue licence has not been held by any Corporate society for the venue within the last six months.
- if ~~the NZ Racing Board~~ TAB New Zealand proposes to establish a TAB venue.
- if a Corporate society proposes to increase the number of Gaming machines that may be operated at a Class 4 venue (this includes at a venue where Clubs propose to merge under s95 of the Gambling Act).
- if a Corporate society proposes to change the location of a venue to which a Venue licence currently applies.

- 5.3. Conditions of consent

- An applicant for Council consent under this policy must meet both the application conditions and the fee requirements.

- 5.4. When Class 4 and TAB venues may be established

No new Class 4 or TAB venues may be established within the Tauranga City boundaries.

However, Council may consider granting consent for relocation of existing Class 4 venues or TAB venues, ~~if the premises cannot continue to operate at the existing venue site.~~

~~Examples of such circumstances include but are not limited to the following:~~

- ~~• due to a natural disaster or fire, the licensed premises is unfit to continue to operate; and/or~~
- ~~• the venue is deemed to be earthquake-prone; and/or~~
- ~~• the property is acquired under the Public Works Act 1981; and/or~~
- ~~• expiration of lease; and/or~~

• ~~site redevelopment.~~

~~Where Council considers that it may grant consent for a relocation, relocated~~ Class 4 and TAB venues may ~~be established~~ only be relocated subject to the following restrictions:

- The venue is located within a commercial or industrial zone identified in the operative Tauranga City Plan, excluding areas within 100 metres of residential zones with a deprivation index of 8, 9 or 10, measured on the ~~NZ Index of Deprivation Dep-2013 (and any subsequent updates), as identified on the maps in Schedule 4. Maps illustrating these zones will be available on the Council website and venues wishing to relocate under this clause may request current maps and confirmation of locations meeting these criteria from the Council.~~
 - Except for TAB venues, the venue shall hold a current on-licence or club licence under the Sale and Supply of Alcohol Act 2012.
 - The Primary activity of the Class 4 venue shall:
 - not be gambling;
 - not be an activity associated with Family or children's activities.
 - The Primary activity of a TAB venue shall:
 - be for providing race and sports betting services, and
 - not be an activity associated with Family or children's activities.
- 5.5. Number of Gaming machines to be allowed
- No additional Gaming machines may be operated at Class 4 venues within the Tauranga City boundaries.
- For clarification:
- where the Council receives an application to relocate a Class 4 venue, the maximum number of Gaming machines at the relocated venue shall be the maximum number of Gaming machines at the venue before relocation.
 - where Clubs merge in accordance with section 95 of the Gambling Act 2003, the maximum number of Gaming machines shall be the same as allowed under section 95 of the Gambling Act 2003. This is 30 Gaming machines or the combined total of the number of existing machines, whichever is the lesser.
- 5.6. Applications for consent
- All applications for consent must be made on an approved application form.
- 5.7. Gambling venues consent application fee
- Council will set fees and charges appropriate to cover the costs associated with processing an application for a Gambling Venues Consent, pursuant to section 150 of the Local Government Act 2002, and through its usual fees and charges processes.
- 5.8. Decision making
- Consent applications are to be processed and a decision made within 30 working days of the Council receiving the application.
- 5.9. Appeals
- A decision made in respect of an application for a gambling venues consent may be appealed to a meeting of the Council on grounds including, but not limited to:
 - An error of fact (i.e. an incorrect interpretation of the application against this policy)
 - Improper process followed in making the decision

- A meeting of the Council may determine an appeal of a decision made in respect of an application for gambling venues consent. Decisions of the meeting of the Council are final.

5.10. Monitoring and review

- Council will review the social and economic impact of gambling on the Tauranga community and consider such impacts in any review of this policy
- Where Council amends or replaces this policy, it will do so in accordance with the special consultative procedure outlined in the Local Government Act 2002.

6. RELEVANT DELEGATIONS

- 6.1. The implementation of this policy is delegated to the chief executive and his/her delegates.
- 6.2. The Manager: Environmental Regulation is responsible for providing advice, support and the implementation of this policy.

7. REFERENCES AND RELEVANT LEGISLATION

- 7.1. Gambling Act 2003
- 7.2. Racing [Industry Act 2003](#)~~2020~~
- 7.3. Local Government Act 2002

8. ASSOCIATED POLICIES/PROCEDURES

N/A.

9. SCHEDULES

~~Schedule 1: Maps indicating locations within commercial and industrial zones where Class 4 and TAB venues may relocate. N/A~~

**Appendix C: Maps Indicating Areas Available For Venue Relocation
as at August 2023**
