Class 4 Gambling Venue Policy

Meeting: **Kaipara District Council**
Date of meeting: **28 July 2021**
Reporting officer: **Virginia Smith, Policy Analyst**

Purpose | Ngā whāinga

To conclude the statutory review for the Class 4 Gambling Venue Policy (Policy).

Executive summary | Whakarāpopototanga

Council is reviewing its Policy in accordance with statutory requirements.

Staff have undertaken a high-level review of the Policy and reported the outcomes to a Council Briefing. Council must now decide on the outcome of the review process. Staff are recommending retaining the Policy in its current format.

Recommendation | Ngā tūtohunga

That the Kaipara District Council:

a) Notes that the current Class 4 Gambling Venue Policy (Attachment A) has been converted into an updated template, with no changes;

b) Agrees to retain the current Class 4 Gambling Venue Policy at Attachment A of this report.

Context | Horopaki

The Gambling Act 2003 (Act) requires Council to have a Policy and review it every three years. Council last reviewed the Policy in 2018, after which Council determined to retain the 'sinking lid' policy approach and reflected this in its Policy.

At the June 2021 Council Briefing, Staff provided Elected Members with a report and the associated high-level analysis on the Policy (found here). The findings of the analysis supported the report's conclusion that:

- the Policy remains fit for purpose; and
- no amendments to the Policy are required.

Council must now decide on the outcome of the review process.

Discussion | Ngā kōrerorero

The report provided to the June 2021 Briefing outlined the limitations of the Policy and Council's actions and decisions as a result of previous reviews, in addition to the high-level review.

The present Policy is the most restrictive available to Council and does not allow new venues to establish nor enable machine numbers to be increased within the District. A 'sinking lid' means that if a venue closes and/or reduces its number of machines, then this provides the new maximum number of machines/venues in the District. Council cannot force a reduction in current venues or machines.

The research indicates the Policy is achieving its objectives. No information discovered during the review process suggests that the Policy will not continue to achieve them in its current format. The report concluded that the Policy remains fit for purpose.

Since the last review, Council's policy template has been updated to a more modern format, which aligns with the 'KDC Style Guide'. Staff have updated the format by moving the Policy content into the new Council template (**Attachment A**). **Attachment B** provides the legislative process and analysis summary for completeness.

Options

The following options are identified as reasonably practicable options for Council's consideration.

Option One: Retain the current Policy without amendments.

Under this option, Council would retain the current Policy for another three years. Council may choose to bring the review of this Policy forward at any time.

Advantages	▪ The Policy appears to be meeting its objectives. ▪ Industry and community are familiar with the Policy's provisions and Council's position regarding gambling within the District. ▪ Continues to control the number of venues and gaming machines in the District. ▪ Most cost-effective option. ▪ Does not preclude Council from considering amendments to the Policy at any time before the next scheduled Policy review.
Disadvantages	▪ Does not provide the community with the opportunity to provide feedback on the Policy.

Option Two: Investigate amending the existing Policy by commissioning a Social Impact Assessment (SIA).

Under this option, Staff would commission an SIA to identify any possible proposed changes to the Policy to be reported back to Council at a future meeting.

Advantages	▪ Allows for a best practice policy review approach.
Disadvantages	▪ Data discrepancies due to COVID-19 will affect the quality and conclusions of the SIA. ▪ Costs associated with commissioning and reporting on a SIA. ▪ SIA may not identify any required. changes/recommendations for the Policy, as it provides the most restrictive Policy approach already.

The recommended option is **Option 1:** To retain the existing Policy.

The Policy is fit for purpose and provides the most restrictive approach available under the current legislative provisions.

Risks and mitigations

Risk	Mitigation
Lack of public consultation opportunity.	Council can choose to review/amend the Policy any time prior to the next scheduled review in 2024.

Impacts on Māori

Initial feedback was sought from both Te Uri o Hau and Te Roroa through the Mana Whenua Quarterly Hui forum to determine their level of interest in the review of the Policy. They indicated that the Policy interest level was low.

Significance and engagement | Hirahira me ngā whakapāpā

The decisions or matters of this report are considered to have a low degree of significance in accordance with Council's Significance and Engagement Policy. No feedback is required, and the public will be informed of Council's decision via the agenda and minutes publication of this meeting, on the website and through other channels if appropriate.

Next steps | E whaiake nei

Subject to the decisions at this meeting, staff will upload the updated format of the Policy to Council's website.

Attachments | Ngā tapiritanga

	Title
A	Class 4 Gambling Venue Policy
B	Legislative process and analysis requirements