



**I give notice that
an Ad Hoc Committee - Gambling and Easter Trading Meeting will be
held on:**

Date:	Tuesday, 21 November 2017
Time:	11.00am
Location:	Council Chamber 107 Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson TBC
Deputy Chairperson

Members Cr Anna Park
Cr Maggie Stewart
Cr John Williamson
Mayor David Trewavas

Quorum 2

Gareth Green
Chief Executive Officer

Order Of Business

- 1 Apologies**
- 2 Conflicts of Interest**
- 3 Confirmation of Minutes**
Nil
- 4 Reports**
 - 4.1 Election of Chairperson.....3
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 - 4.3 Draft Class 4 Gambling and TAB Policy Deliberations Report8
- 5 Confidential Business**
Nil

4.1 ELECTION OF CHAIRPERSON

Author: Tina Jakes, Democracy & Community Engagement Manager

Authorised by: Brian Fox, Group Manager: Corporate and Community

PURPOSE

To elect a Chairperson for the Gambling and Easter Trading Committee.

RECOMMENDATION(S)

That _____ be elected Chairperson for the Gambling and Easter Trading Committee,

ATTACHMENTS

Nil

4.2 EASTER SUNDAY SHOP TRADING DELIBERATIONS REPORT

Author: Hilary Samuel, Senior Policy Advisor

Authorised by: Alan Menhennet, Group Manager: Finance and Strategy

PURPOSE

For the ad hoc committee to receive written and verbal submissions on the draft Easter Sunday Shop Trading Policy, deliberate on the issues and provide a recommendation to Council on its adoption, with any required amendments.

It should be noted that due to the number and nature of the submissions the hearing and deliberations are scheduled for the same day. Officers have made recommendations on this report based on the written submissions received. If additional issues arise through the oral submissions these can be addressed during deliberations.

EXECUTIVE SUMMARY

In 2016 a change to the Shop Trading Hours Act 1990 allowed for Councils to develop local policies allowing shops to open on Easter Sunday. The Taupō town centre has had an exemption to allow shops to open between 10am and 3pm since 1989. Putting a policy in place would allow shops to open district wide for the hours that they choose.

Consultation was carried out over October and 8 submissions were received with submissions in support of the draft Easter Shop Trading Policy and 1 in opposition.

It is recommended that the Ad Hoc committee receive the written and oral submissions, and considering the points raised within the submissions, recommend to Council that the Easter Sunday Shop Trading Policy be adopted.

RECOMMENDATION(S)

That the Ad Hoc Committee - Gambling and Easter Trading

1. Receives the written and oral submissions (summarised in attachment 1, full copies in attachment 2).
2. Recommends to Council that the draft Easter Sunday Trading Policy (Attachment 3) be adopted.

BACKGROUND

The proposal has been before Council at a prior meeting (26 September 2017), refer item number (5.5) and the following resolutions were made:

1. That the Ad Hoc Committee - Gambling and Easter Trading adopts for consultation, in accordance with the Shop Trading Hours Act 1990, the draft Easter Sunday Shop Trading Policy [A2020677] and that the public be invited to make submissions.
2. That a Special [Ad Hoc] Committee of Council be constituted, as per the attached terms of reference, to hear and consider submissions on the draft Easter Sunday Shop Trading Policy in combination with the Class 4 Gambling and TAB Venue Policy.
3. That Cr Boddy, Cr Park and Cr Williamson plus the Mayor ex-officio are appointed to the Special [Ad Hoc] Committee of Council. (*Note that Cr Stewart replaced Cr Boddy at a subsequent meeting*).

As a result of this one months consultation was carried out on the draft policy and 8 written submissions were received. One submitter (Catie Noble, Chamber of Commerce) requested to speak at the hearing.

DISCUSSION

Of the 8 submissions received, 7 supported a district wide policy being adopted to allow shops to open on Easter Sunday. The key reasons to support this were:

- To allow both employers and employees the personal choice of opening/working

- For the convenience of tourists and visitors
- To allow for a consistent approach across the District
- There is an economic benefit for shops that choose to open, employees who choose to work and for the wider District

One submitter opposed a policy being put in place to allow district wide trading on Easter Sunday. The reasons for the opposition were:

- That Easter Sunday needs to be kept sacred for religious reasons and it should not be monetised.

There was also some comments on social media regarding the draft policy (Attachment 4), both in support and opposition for an Easter Sunday Shop Trading Policy. The comments focused around:

- People should be able to spend time with families instead of working
- That there would be pressure from employers to work regardless of the legislation
- Some people need the extra money so should be able to choose to work or not
- Religious beliefs should have nothing to do with shopping
- Stop blocking alcohol sales too
- Should be only be able to open for a half day
- Should be personal choice.

The officer responses to the key issues raised (both in support and opposition) are summarised in the following table:

Issue	Officer Response
Personal choice to open	It is supported that both employees and employers should have a personal choice to open. In order to address the concern that some employees will be placed under pressure to work, it is proposed that Officers work with Town Centre Taupō and the Chamber of Commerce to distribute information to employers and employees about the legislation, both in terms of the notification requirements and the legislative requirements around employees not being required to work.
Convenience visitors	It is supported that a consistent approach across the district will be beneficial for visitors to the District and will allow for a greater choice.
Consistency	It is supported that it is fairer to have a consistent approach district wide.
Economic benefit	It is supported that there will be an economic benefit to those shops who choose to open, employees who choose to work and for the district.
Shops should not open for religious reasons	Shop owners and employees who wish to celebrate Easter Sunday for religious reasons have the choice to do so under the legislation.
People should spend time with family	Shop owners and employees who wish to spend time with their family on Easter Sunday have the choice to do so under the legislation.
Alcohol sales	Alcohol sales on Easter Sunday are controlled by the Sale and Supply of Alcohol Act 2012 and are not something that can be controlled by this Policy or by Council.
Should open for a half day	Under the Shop Trading Hours Act 1990 an Easter Sunday Shop Trading Policy may not specify the hours shops can or cannot open.

Based on this information it is considered that there are 2 options:

OPTIONS

Analysis of Options

Option 1. Adopt the draft Policy

Advantages	Disadvantages
<ul style="list-style-type: none"> • Economic benefits • Consistency across the District • Allows for personal choice • Benefits for tourists and visitors. 	<ul style="list-style-type: none"> • There is some concern that there will be pressure from employers on employees to work. This concern can be addressed through distribution of information.

Option 2. Do not adopt the draft Policy

Advantages	Disadvantages
<ul style="list-style-type: none"> • Will be no additional pressure on employees to work. 	<ul style="list-style-type: none"> • Limits economic benefits • Inconsistent approach across district • Does not allow for personal choice • Limits options for visitors.

Analysis Conclusion:

The Ad Hoc Committee recommends to Council that the draft Easter Sunday Shop Trading Policy be adopted.

CONSIDERATIONS

Financial Considerations

There is limited financial impact of adopting the Policy, aside from a small amount of staff time to work with Town Centre and the Chamber of Commerce to distribute information regarding the legislative requirements.

Legal Considerations

The process and policy are consistent with the requirements under the Shop Trading Hours Act 1990 and the Local Government Act 2002.

Policy Implications

There are no known policy implications.

Risks

There are no known risks.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance. The Taupo central business district already has an exemption meaning there is already an established community acceptance of some Easter Sunday trading.

ENGAGEMENT

As required under the Shop Trading Hours Act 1990 the special consultative procedure has been undertaken to consult on the draft Easter Sunday Shop Trading Policy.

COMMUNICATION/MEDIA

If Council adopts the policy as per the recommendation from the Ad Hoc Committee, it is a requirement that the Ministry of Business, Innovation and Employment be notified within 10 days of the decision. The Policy must also be made publically available. Submitters will also need to be notified of the decision.

CONCLUSION

Based on the submissions received, it is considered there is a good level of support for the adoption of an Easter Sunday Trading Policy. This is based on the economic benefits, consistency across the district,

allowing for personal choice and benefits for visitors. It is recommended that the ad hoc committee recommend to Council that the policy be adopted.

ATTACHMENTS

1. Draft Easter Sunday Shop Trading Policy Submission Summary 
2. Easter Sunday Shop Trading Submissions - Full Copies 
3. Draft Easter Sunday Shop Trading Policy 
4. Draft Easter Sunday Trading Policy Facebook Comments 

4.3 DRAFT CLASS 4 GAMBLING AND TAB POLICY DELIBERATIONS REPORT

Author: Hilary Samuel, Senior Policy Advisor

Authorised by: Alan Menhennet, Group Manager: Finance and Strategy

PURPOSE

For the ad hoc committee to receive written and verbal submissions on the draft Class 4 Gambling and TAB Policy, deliberate on the issues and provide a recommendation to Council on its adoption, with any required amendments.

It should be noted that due to the number and nature of the submissions the hearing and deliberations are scheduled for the same day. Officers have made recommendations in this report based on the written submissions received. If additional issues arise through the oral submissions these can be addressed during deliberations.

EXECUTIVE SUMMARY

Written and oral submissions on the draft Class 4 Gambling and TAB policy will be considered by the ad hoc committee. A recommendation from the ad hoc committee on the adoption of the Policy, with any amendments will then be made to Council.

There were 10 submissions made on the draft policy, with a majority suggesting that there needed to be a stronger policy line in terms of controlling class 4 machines and venues and the associated harm.

The two key elements that the Council can control are machine numbers and venue relocations. Considering the evidence provided within the submissions, Council policy and current legislation, Officers are recommending that a sinking lid policy be implemented on machines numbers. As there is less clear evidence and submitter preference on relocations it is proposed that the options for this issue be discussed during deliberations.

RECOMMENDATION(S)

That the Ad Hoc Committee - Gambling and Easter Trading:

1. Receives the written and oral submissions (included one late submission from the Ministry of Education), summarised in attachment 1, full copies in attachment 2.
2. That the Ad Hoc Committee recommend to Council that the draft Class 4 Gambling and TAB Policy be (attachment 3) be adopted with amendments to include a sinking lid on the number of gaming machines.

BACKGROUND

The proposal has been before Council at a prior meeting (26 September 2017), refer item number 5.4 and the following resolutions were made:

1. That Council adopts in accordance with the Gambling Act 2003 and the Racing Act 2003, the draft Class 4 Gambling and TAB Venue Policy [A2014485] and Statement of Proposal for consultation and that the public be invited to make submissions.
2. That the submissions on the draft Class 4 Gambling and TAB Venue Policy be heard and considered in combination with the Easter Sunday Trading Policy.

The Taupō District Class 4 Gambling and TAB Policy is required to be reviewed by December 2017. A draft reviewed policy was presented to Council in September 2017 and approved for consultation. This took place during October and 10 submissions were received. There was support from 8 submitters to reduce the gambling machine cap, while 2 submitters opposed a drop in the gambling machines numbers.

Currently the policy allows venues to relocate within the town centres (Taupō, Turangi and Mangakino). There was support from 3 submitters to maintain this approach, while another 3 submitted that there should

be no relocations. The Ministry of Education and District Health Board proposed that a sensitive land clause be inserted and 2 submitters did not specify a preference for relocations.

DISCUSSION

Number of Machines

Currently there are 182 consented machines in the District. The 2014 Policy set a cap of 225 machines, and the draft 2017 Policy proposed a drop in this cap to 191 machines.

The submitters supported the following options:

Option	Number of submissions
Sinking lid	5
Drop to 191	3
Remain at 225	2

The reasons given in support of a drop in machines numbers were:

- The social harm outweighs the benefits
- The economic benefits (grants) are outweighed by the economic costs
- Increased availability of opportunities to gamble is associated with more gambling and more problem gambling
- There are limited resources to address mental health and social issues relating to alcohol, drug and gambling addiction
- Lower income families spend proportionally more than higher income families on gambling
- Revenue generated by gambling is often spent in more affluent communities
- Gambling harm has a ripple effect onto other family members/friends and colleagues, this effect can be significant for children and young adults.

The reasons given to support the maintenance of the number of machines were:

- Community organisations rely on pub gaming to survive and this funding has reduced over the past decade
- If gaming machine numbers reduce it will lead to other forms of gambling (esp. online) which can have less harm minimisation measures in place
- Location of gambling machines is more important than their number
- There is excellent harm minimisation measures in place to minimise the harm from gambling
- There is no direct correlation between gaming machine numbers and problem gambling rates.

In terms of the Council's responsibilities within the legislation (Gambling Act 2003) there is a requirement to "have regard to the social impact of gambling within the territorial authority district". The social impact assessment completed as part of the 2017 review is attached (attachment 4).

Council also has a responsibility to work within the objectives of its existing policy which are:

- *To control the growth of gambling in the Taupō District within the legislative means available.*
- *To minimise the harm to the community caused by gambling while allowing those who wish to participate to do so.*
- *To ensure that the council and the community has influence over the location of new Class 4 and TAB venues in the Taupō District.*
- *To facilitate community access to information about the funds produced and distributed from Class 4 venues within the Taupō District.*

Relocations

Currently the 2014 policy allows for relocations to occur within the town centres of Taupō, Turangi and Mangakino. The 2017 draft proposed that this policy remain in place.

The submitters supported the following options:

Option	Number of submissions
No relocations	3
Relocations within the town centre	3
Not specified	2
Sensitive land clause	2

Reasons given to support no relocations were:

- Allowing venues to transfer will not lead to a reduction of venues, and therefore will not reduce harm from gambling in the way that a strong “sinking lid, no relocations” policy would.
- It is likely that when gambling venues are widely dispersed throughout the community, they pose a bigger hazard for problem gambling than when they are concentrated in a few locations.

Reasons given to support relocations within the town centre were:

- It allows venues to upgrade and refurbish
- It allows flexibility in the case of fire, natural disaster, expired lease or earthquake prone buildings
- Allows venues to move away from large premises, with large car parking areas, where such land may be better used for affordable high-density housing.
- Relocation clauses also give more flexibility for re-zoning and city planning.

Two submitters also proposed that sensitive land clauses be inserted. These are allowed for under the legislation and were proposed by the Ministry of Education and the District Health Board. The Ministry of Education proposed the following additional clause to the policy:

12.1.7 No Council consent to class 4 gambling licences shall be issued for any premises which is located within 100 metres of Taupo Primary School and within 200 metres of any other legal site boundary of an existing school or early childhood education centre or site designated for an education facility or early childhood education centre.

12.1.8 Where an application for a class 4 gambling venue is located closer than 500 metres to an existing school or early childhood education centre or site designated for an education facility or early childhood education centre then the applicant shall provide a copy of the application directly to these facilities or the Ministry of Education, which shall be considered as affected parties to the application.

There are four options in relation to relocations:

1. Relocations permitted within the town centres (status quo)
2. Additional sensitive land clauses added
3. Relocations into but not within the town centre
4. No relocations permitted

OPTIONSAnalysis of Options

The analysis below has been completed for the variety of ways that the policy could be structured with different feasible combinations between the number of machines and the relocation options. This is because there is an interaction between the two and it's not possible to select the options in isolation.

Number of Machines	Relocations	Advantages	Disadvantages
191	Town centre only	<ul style="list-style-type: none"> Reduces the potential for growth in gambling harm Allows venues to relocate to upgrade in situations such as expired leases Relocations can occur only within the town centres which reduces impact on high deprivation areas Will not affect current grant funding. 	<ul style="list-style-type: none"> Will not reduce the number of venues, therefore gambling harm. Not consistent with the majority of submitters views. Could be considered inconsistent with current Council policy objectives.
	Town centres but with additional sensitive land clause	<ul style="list-style-type: none"> Reduces the potential for growth in gambling harm Allows venues to relocate to upgrade in situations such as expired leases Relocations can occur only within the town centres which reduces impact on high deprivation areas Will not affect current grant funding Reduces the impact on nearby sensitive land uses. 	<ul style="list-style-type: none"> Will not reduce the number of venues, therefore gambling harm. Not consistent with the majority of submitters views. Could be considered inconsistent with current Council policy objectives.
Sinking lid	Town Centres only	<ul style="list-style-type: none"> May result in a drop in the number of venues therefore gambling harm. Allows existing venues to relocate to upgrade or situations such as expired leases Relocations can occur only within the town centres which reduces impact on high deprivation areas Consistent with the majority of submitters views on machine numbers Consistent with current policy and legislation 	<ul style="list-style-type: none"> May result in a drop in grant funding
	Town centres but with additional sensitive land clause	<ul style="list-style-type: none"> May result in a drop in the number of venues therefore gambling harm. Allows existing venues to relocate to upgrade or situations such as expired leases Relocations can occur only within the town centres which reduces impact on high deprivation areas Reduces the impact on nearby 	<ul style="list-style-type: none"> May result in a drop in grant funding

		<p>sensitive land uses.</p> <ul style="list-style-type: none"> • Consistent with the majority of submitters views on machines numbers • Consistent with current policy and legislation 	
	No relocations	<ul style="list-style-type: none"> • May result in a drop in the number of venues therefore gambling harm. • Consistent with the majority of submitters views on machines numbers • No impact on nearby existing sensitive uses. • Consistent with current policy and legislation 	<ul style="list-style-type: none"> • May result in a drop in grant funding • Venues cannot relocate in the case of lease expiration etc.
	Relocations into, but not within the town centre	<ul style="list-style-type: none"> • May result in a drop in the number of venues therefore gambling harm • Allows venues to relocate out of high deprivation areas • Consistent with current policy and legislation 	<ul style="list-style-type: none"> • It was not an option consulted on or raised within submissions • May result in a drop in grant funding • Venues in the town centre cannot relocate in the case of lease expiration etc.

Analysis Conclusion:

Number of Machines

In terms of the number of machines in the District, there seems a clear direction that can be established, based on the weight and evidence of the submissions, current legislation and Council policy objectives, to put in place a sinking lid policy. This is based on:

- Council policy objective to control the growth of gambling in the District
- Evidence from some submitters that the number of venues correlates to social harm
- The social impact assessment of gambling in the Taupo District
- Lack of evidence to support the approach of allowing one more venue to open (i.e. 191).

Relocations

The evidence and submissions are less clear in providing direction in terms of relocations. There is a continuum on the relocations issue from the current status quo which provides a solid basis for relocations and ensuring that relocations do not occur into high deprivation areas, to a stronger policy position (in terms of managing social harm from gambling) where no relocations are permitted. It is recommended that these options be discussed further during deliberations following the hearing of oral submissions. The options are:

- Relocations within the town centre only (status quo)
- Relocations within the town centre with additional sensitive land clause
- Relocations into but not within the town centre
- No relocations permitted

CONSIDERATIONS

Financial Considerations

The financial impact of the proposal is minimal.

Legal Considerations

The process and policy are consistent with the requirements under the Gambling Act 2003 and the Local Government Act 2002.

Policy Implications

There are no known policy implications.

Risks

There is a minimal risk that policy decisions are challenged. This risk is minimised through following due process and ensuring there is a clear evidential basis for decisions.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance. Regardless of the level of significance, the process has followed the Special Consultative Procedure which ensures adequate community engagement on the issue.

ENGAGEMENT

As required under the Gambling Act 2003 the special consultative procedure has been undertaken to consult on the draft Class 4 Gambling and TAB Policy.

COMMUNICATION/MEDIA

The adopted policy will need to be made publically available, and submitters notified of the response to their submissions.

CONCLUSION

Class 4 Gambling is a complex social issue which results in considerable harm to problem gamblers and their families, but also substantial benefits to community groups and clubs through grant funding. The Council is required to weigh up these costs and benefits in determining its Class 4 Gambling and TAB policy.

Following consultation with the community, there was a preference from submitters that a stronger policy line be taken in relation to managing class 4 gambling venues and machines. It is considered that there is a strong evidential basis to introduce a sinking lid cap for machines based on:

- Councils own policy to control growth in gambling
- Legislative requirements to consider the social impact of gambling
- Submitter preferences and evidence.

In relation to relocation of class 4 venues, preferences expressed by submitters were less clear and the evidence less strong in any particular direction. It is recommended that the options around relocation be discussed further during deliberations.

The ad hoc committee must consider the submissions, and make a recommendation to Council on adoption of the policy with any amendments.

ATTACHMENTS

1. Summary of Submissions - Class 4 Gambling and TAB Policy 
2. Full Copies of Submissions 
3. Draft Class 4 Gambling and TAB Policy 
4. Social Impact Assessment - 2017 Review of Class 4 Gambling and TAB Policy 

5. Facebook comments on the Draft Class 4 Gambling and TAB Policy 