

Regulatory Committee

OPEN MINUTES

Meeting Date: **Wednesday 19 July 2017**
Time: **1.30pm – 2.34pm, 3.37pm – 3.38pm**
Venue: **Taradale Town Hall
Lee Road
Napier**

Present: Councillor Jeffery (In the Chair), the Mayor, Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Taylor, White, Wise and Wright

In Attendance: Chief Executive
Director City Strategy, Director Infrastructure Services, Director Corporate Services, Director Community Services, Director City Services, Manager Communications and Marketing
Manager Regulatory Solutions, Manager City Strategy, Manager Community Services, Team Leader Resource Consents, Team Leader Policy Planning, Policy Planner, Senior Advisor Policy, Communications Specialist

Administration: Governance Team

APOLOGIES

Nil

CONFLICTS OF INTEREST

Nil

PUBLIC FORUM

Nil

ANNOUNCEMENTS BY THE MAYOR

Borough Council anniversary.

ANNOUNCEMENTS BY THE CHAIRPERSON

ANNOUNCEMENTS BY THE MANAGEMENT

Nil

CONFIRMATION OF MINUTES

Councillors Brosnan / Wise

That the Minutes of the meeting held on 31 May 2017 were taken as a true and accurate record of the meeting.

CARRIED

HEARING OF SUBMISSIONS – GAMBLING POLICY

New Zealand Community Trust – Tanya Piejus

The Trust spoke in support of the policy, making the following points:

- Gaming operates within a very strict legal framework in New Zealand.
- Statistics show that sinking lid policies do not address problem gambling and affect community funding levels. A cap is a good balanced approach.
- Relocation of machines is positive for both businesses and the community.
- It is good that clause 3.2 has been brought in line with the legislation around numbers of machines able to be relocated.
- Multiple harm minimisation measures are undertaken across the country, funded by part of the proceeds from gambling.
- Approximately 80% of the Trust's funds go into community sports; this equates to about \$1Million coming back into the community every month.

New Zealand Racing Board – Jarrod True

The Board spoke in support of the policy, making the following points:

- The current cap and the relocation clauses are seen as appropriate.
- Funding from gaming machines is a reliable source of income back into the community.
- No reliable links have been found between levels of problem gambling and machine numbers.

- It has been shown that problem gamblers are highly adaptive, and if a venue closes or moves others will be found. Of particular concern is the rise of online gaming, which has none of the safe guards of a venue (such as trained staff, maximum bet limits, and cash only payments) and no return to the community.

In response to questions from Councillors it was clarified that the total amount spent in Napier over the last year was \$17Million. Of this, a minimum of 40% goes back into the community through grants, a third goes in taxes and levies, and the balance goes to licensing fees, paying the venues and so on.

Infinity Foundation – Rick McLaren

The Foundation spoke in support for the policy, making the following points:

- It is unlikely that there will be a large increase in venues as the costs to start up a business are significant. Regulatory requirements and the levels of contribution back in to the community are rising.
- Local venues are considered more desirable as they are more personal and staff are more in touch with their patrons. Moving venues into the CBD creates more of a 'faceless; experience.
- There is no need to create a cap in Taradale as most businesses actually cannot make it work in this area.
- The Foundation guarantees that 90% of the funds raised stay within the Hawke's Bay.

In response to questions from Councillors it was clarified that several districts set their cap by population level, for example Rangiora, Tauranga and Lyttleton all take this approach.

Te Rangihaeata Oranga Trust – Shelley Burne-Field

The Trust spoke against the policy, making the following points:

- Gambling has a very real impact on society, and there is a need to actively minimise gambling harm in our communities.
- \$4Million leaves the district via gambling every 3 months.
- Research suggests that "increased opportunity" contributes to problem gambling, which includes machine numbers.
- Social gamblers actually affect more harm in the community than problem gamblers through negative impacts on relationships and household income.
- The Trust advocates for a sinking lid policy and for there to be no relocation of machines without a social impact analysis.

In response to questions from councillors it was clarified that:

- There are differences seen in numbers of problem gambling between Napier and Hastings.
- There are areas of high deprivation in or near the CBD, meaning some of the most needy people in the city are living near to where new venues are being pushed to open.
- Online gambling is very problematic but this does not mean that machine gambling should be treated as being 'ok'.
- Relocation could be viewed on a case by case basis, for example where a building is required to be strengthened under earthquake legislation.

Hawke's Bay District Health Board – Lisa Pohatu, Population Health Team

The Health Board spoke against the policy, making the following points:

- The District Health Board has a role and focus in reducing inequities and gambling does create harm within communities.
- A recent report by Auckland University has assessed gambling as significantly more harmful than drug use disorders and diabetes.
- The board supports a sinking lid approach but this is a long term solution and more aggressive short term measures are required.
- Relocation only shifts the issue, it does not address it. Machines must absolutely be kept out of high deprivation areas.

In response to a question from councillors, officers advised that only a vendor can request relocation; this cannot come from Council.

Napier City Business Inc – Zoe Barnes

The Business Inc. spoke against the policy, making the following points:

- They support a sinking lid policy.
- Napier has a very high proportion of machines per capita compared to Hastings and national numbers.
- The location of the venues is very important to consider – currently six separate venues operate within less than one square kilometre in the CBD.
- Those canvassed in the tourism sector have suggested that the machines are not particularly important as a drawcard. Only Australian cruise tourists tend to play and the cruise season is only five months of the year.
- Although not included in the written submission, it was proposed that Council should have a clause stating that venues could not operate within 100m of each other.

In response to questions from Councillors it was clarified that the membership was canvassed but there were not high response levels to the survey. There has also been feedback gleaned through speaking one-on-one with people.

It was noted by councillors that a better comparison for machines per capita might be other tourist cities rather than Hastings.

Safer Napier Strategic Group – Wi Ormsby

The Group spoke against the policy, making the following points:

- A key priority for the Group is to reduce community harm from gambling.
- It is preferable that a sinking lid policy be adopted and restrictions be increased to stop new venues being established in vulnerable areas.
- The number of machines in Napier is comparatively very high and should be reduced.
- It is proposed that the levy to address problem gambling be increased and that Council advocate to increase the level of contribution directly back into Napier.

In response to questions from councillors it was clarified that the Safer Napier Strategic Group is an accredited member of the Safer Communities international programme.

It is possible that continuing accreditation may be affected by the impacts of this policy.

It was noted by councillors that the current levels of machines had not affected accreditation being achieved.

The hearing of submissions closed at 2.25pm.

DELIBERATIONS TO BE TAKEN IN PUBLIC EXCLUDED

COMMITTEE'S RECOMMENDATION

Councillors Jeffery / White

That the deliberations of the Gambling Policy Hearing be moved into the public excluded section of the Regulatory Committee.

CARRIED

AGENDA ITEMS

1. GAMBLING VENUES POLICY - HEARING REPORT

<i>Type of Report:</i>	<i>Legal</i>
<i>Legal Reference:</i>	<i>Gambling Act 2003</i>
<i>Document ID:</i>	<i>356506</i>
<i>Reporting Officer/s & Unit:</i>	<i>Kim Anstey, Planner Policy/Analyst</i>

1.1 Purpose of Report

This report provides an analysis of submissions received on the Gambling Venues Policy review and outlines the officer's recommendations on these submissions.

At the Meeting

Deliberations on the Gambling Policy submissions were taken in committee.

As per the decision of the Committee, the record of the deliberations and the Decision of Council is recorded in the open minutes below.

DELIBERATIONS ON SUBMISSIONS – GAMBLING POLICY

The following key points were considered during the deliberations:

- A 'cap' versus a 'sinking lid' approach
- The relocation of machines
- The impacts on community funding.

It was noted that the point raised by the Napier Business Inc. (regarding venues not being able to operate within 100m of each other) could not be discussed today as it had not been included in any written submission. It was noted that this matter had been previously considered during a workshop with Council and discounted at that time.

During discussions the following was noted:

- Although the impacts of problem gambling were clearly outlined by some submitters, it was noted that most people use gambling machines responsibly. The percentage of problem gamblers is very low, and is even lower when only class 4 gambling machines are considered.
- No submission touches on personal responsibility for behaviours. Research suggests that a predilection towards gambling may hinge on a significant early life event. Council cannot manage these events through policy. What it can do is attempt to strike a good balanced approach to the matter.
- The cap approach is believed to be appropriate, and almost becomes self-policing.
- Accessibility and number of venues appears to be key according to international research, as opposed to literal numbers of machines.
- Online gaming is on the rise, and no contributions at all towards communities or addressing problem gambling are made from the spend in these platforms.
- Under the policy, relocations and new venues are essentially treated the same in that they must be within or to specified zones.
- There is the potential for all venues to relocate into the CBD but this is seen as highly unlikely.

- The recent change in legislation to allow up to 18 existing machines to be relocated has been reflected in the change to the policy (where previously only nine machines were able to be relocated).
- As the cap has been reached in Taradale there is no option to relocate into the area or for a new venue to open. However an existing venue in Taradale could move to another location in Taradale (for example of there were issues with the present building).
- Social impact reports were undertaken in 2012 and 2013, as required when a relocation clause is included in a gambling policy. A new impact report is not required if the existing relocation policy is being rolled over.
- There was some expectation from cruise tourists that they would be able to use class 4 machines while on land.

The general consensus was that the policy strikes an appropriate and balanced approach to the matter of class 4 gambling machines.

COMMITTEE'S RECOMMENDATION

Councillors Jeffery / Brosnan

That Council

- a. Hear the submissions on the Gambling Venues Policy and determine whether any changes are required to the proposed policy.

CARRIED

COMMITTEE'S RECOMMENDATION

Councillors Wright / Brosnan

That a **DECISION OF COUNCIL** is required as a Hearing is not subject to double debate.

CARRIED

COMMITTEE'S RECOMMENDATION

Councillors Taylor / Wright

That, in terms of Section 82(3) of the Local Government Act 2002, the principles set out in that section have been observed in such a manner that the Napier City Council considers, in its discretion, it is appropriate to make decisions on the recommendation.

CARRIED

**COUNCIL
RESOLUTION**

Councillors Brosnan/ Wright

That Council

Adopt the intent of the policy as proposed (cap on venues and machines) with the following changes to the relocation clause (N.B. strikethrough indicates those items proposed to be removed):

- 3.1 A Class 4 or TAB gambling licence holder who holds consent from Council to operate in the Napier District may apply for consent to relocate.**
- 3.2 *Consent to relocate is subject to the conditions provided in the policy and in accordance with section 97A of the Gambling Act.***
- ~~**3.2 For any site to which an existing Class 4 venue licence operator wishes to relocate, the maximum number of machines approved shall be 9.**~~
- ~~**3.3 If the venue from which the licence is relocated operates fewer than 9 machines, then the maximum of machines at the newly licenced site shall be the same as the Class 4 venue prior to being relocated.**~~
- ~~**3.4 The initial licence operated under must be surrendered prior to approval of an application for relocation.**~~
- ~~**3.5 Applications to relocate an existing Class 4 or TAB venue must meet all the necessary requirements of the policy, as if it was a new application for consent.**~~

CARRIED

2. SET PARKING FEES AND CHARGES - 292 HASTINGS STREET

Type of Report:	<i>Operational</i>
Legal Reference:	<i>Traffic Regulations, Parking Control Bylaw 2008</i>
Document ID:	<i>374136</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Manager Regulatory Solutions</i>

2.1 Purpose of Report

To seek Council's approval for establishing parking fees for a property at 292 Hastings Street, Napier, which has recently been acquired by Council to bolster the supply of parking options in the city.

At the Meeting

In response to queries from councillors it was clarified that:

- The Bylaw offers the opportunity for multiple payment options. It will be confirmed prior to the council meeting whether there is a specific requirement to accept cash as payment.

- As this is a relatively small carpark it can be used as a trial for the Parkmate app without too much difficulty, and it was anticipated that a standard payment machine could be installed if the app became problematic (people not having the right type of phone, being comfortable with the technology etc)
- The proposed set up may in fact be useful to those attending the adjacent Courthouse as a receipt is necessary for those doing jury service to claim back their expenses.
- Parkmate is also used in Hastings and by the DHB so there is some consistency across the region with people being able to use the app for multiple sites.
- Education in downloading and using the app will be important.

COMMITTEE'S RECOMMENDATION

Councillors Wright / White

That Council

- a. Establish the property at 292 Hastings Street, Napier, as an all-day casual car park.
- b. Agree that the parking fees be set at \$1 per hour with an all-day rate of \$5 per day
- c. Agree that the car park be trialled as a technology only payment system, with payment made by car parking App Parkmate.

CARRIED

3. FUNDING APPLICATION FOR ELITE ROAD NATIONAL CYCLING CHAMPS

<i>Type of Report:</i>	<i>Operational</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>374244</i>
<i>Reporting Officer/s & Unit:</i>	<i>Kevin Murphy, Event Manager</i>

3.1 Purpose of Report

To seek approval for the Marketing Department to apply for external funding to support the Elite Road National Cycling Champs to be held in Napier 5-8 January 2018

At the Meeting

The event has been very successful over the last two years and brings in good levels of revenue to the city.

Other sponsorship is received on top of this grant as well as contributions in kind.

COMMITTEE'S RECOMMENDATION

Mayor Dalton / Councillor Taylor

That Council

- a. Approve an application for funding being made to the Lion Foundation for \$50,000 to assist with costs to manage the Elite Road national Cycling Champs in January 2018.

CARRIED

ADJOURNMENT OF MEETING

COMMITTEE'S RECOMMENDATION

Councillors Taylor / Brosnan

That the public excluded part of the Regulatory Committee meeting adjourn until after the Strategy and Infrastructure Committee meeting this afternoon.

CARRIED

The meeting adjourned at 2.34pm.

The meeting reconvened at 3.37pm.

PUBLIC EXCLUDED ITEMS

Councillors Brosnan / Wright

That the public be excluded from the following parts of the proceedings of this meeting, namely:

1. Street Naming-150 Guppy Road

CARRIED

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) TO THE PASSING OF THIS RESOLUTION
1. Street Naming-150 Guppy Road	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the

		disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
--	--	---

The meeting moved into committee at 3.38pm

**APPROVED AND ADOPTED AS A TRUE AND ACCURATE RECORD OF THE
MEETING**

CHAIRPERSON: _____

DATE OF APPROVAL: _____