
Tuesday, 30 March 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Hearings Committee Meeting

Ngā Minitī

Minutes

Te Rā Hui:
Meeting date: **Tuesday, 30 March 2021**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Time start –
end: **Started 9.30am (on Tuesday, 30 March 2021)
and
Formally closed (on Tuesday, 20 April 2021)**

(Loading Ramp, 8 Treacher's Lane, Havelock North - Territorial Authority Consent - Application for Class 4 Gambling Venue, To Establish An Additional Four Gaming Machines (RMA20200256))

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Kua Tae ā-tinana: **Chair:** George Lyons (Commissioner Chair – External appointee)
Present: **Other Panel Members:** Councillor Wendy Schollum and Peter Kay (External appointee member)

Kua Tatū: Environmental Consents Manager - Caleb Sutton
In attendance: Team Leader Environmental Planner (Policy) – Megan Gaffaney
Environmental Planner (Policy) – Junior Tuakana
Democracy & Governance Advisor - Christine Hilton

Kei Konei: Applicant
Also present: Mr Tony Goldfinch, Chief Executive, The Lion Foundation

1. **APOLOGIES & LEAVE OF ABSENCE – NGĀ WHAKAPĀHATANGA ME TE WEHENGĀ Ā-HUI**

There were no apologies from the Hearings Committee members appointed to the panel for this hearing.

2. **LOADING RAMP, 8 TREACHER'S LANE, HAVELOCK NORTH - TERRITORIAL AUTHORITY CONSENT - APPLICATION FOR CLASS 4 GAMBLING VENUE, TO ESTABLISH AN ADDITIONAL FOUR GAMING MACHINES (RMA20200256)**

(Planning report [Document 99926#0374] and background information had been previously circulated)

The Chair introduced the members of the Committee sitting on the Panel for this hearing, and the Council Officers present. The Chair made his opening comments and outlined the process that would be followed at the hearing, together with addressing “housekeeping” issues.

The Agenda documents had been made available to the parties involved, but there was no other evidence circulated prior to the hearing.

The Hearing was to consider an application to establish an additional four gaming machines at The Loading Ramp in Havelock North. This application would be assessed against the Class 4 gambling policy that applied at the date the application was lodged (as at 17 November 2020).

The Chair also advised that the Committee had undertaken a visit to the subject site that morning prior to the hearing, to see the location and layout of the gaming room.

Once the respective evidence had been presented, the Committee would undertake its deliberations in Public Excluded (Confidential) Session.

Mr Tony Goldfinch, Lion Foundation circulated and addressed his evidence on behalf of the Applicant, (*Document CG-16-8-00194*), interpolating as appropriate. The main points that Mr Goldfinch highlighted in his evidence included:

- The Loading Ramp staff have created a safe environment in the gaming room that is well supervised.
- The new manager/operator of the venue has extensive experience managing Class 4 gambling venues.
- There were some issues that the current operator had not complied with in regard to the Council's 2017 Class 4 Gambling Venue policy (as adopted on 28 May 2017).
- The current operator purchased the business in 2019 and has not yet complied with Clause 7(v) of the 2017 policy – the requirement to provide full financial records, in the form of a full 12 month set of audited accounts signed off by an Independent Chartered Accountant.
- Mr Goldfinch acknowledged that this financial information needed to be provided and said that the Lion Foundation had been trying to obtain this information.
- There was no desire to create a gaming theme or to actively promote gambling on the site.
- The proposed additional machines on the site would add to the customer experience.
- Authorised Purpose ("AP") funds are returned to the community in which the funds were raised.
- No addition external signage would be erected to advertise the gaming room.
- The only signage advertising the gaming room would be the existing sign inside the venue.
- There would be a collaborative approach between the Lion Foundation and the venue operator.
- There was ongoing regular refresher Harm Minimisation training for the staff on the site – and this was an ongoing commitment made by the operator to provide this training.
- The experience of the operator/venue manager would provide a safe gambling environment for patrons using the gaming room.
- The Lion Foundation was comfortable with the level of Harm Minimisation training being provided for staff and the environment being created for the gaming room patrons.
- The establishment of facial recognition technology at the site and the need to establish a database so this software could be used to assist the venue operator/manager/staff to identify those persons who had been excluded from entering the gaming room due to problem gambling.
- The Lion Foundation visited the site every two weeks to check that the operator was meeting all the necessary requirements in regard to any possible problem gambling on the premises.
- There were now only 17 Class 4 gaming machine venues in the Hastings district when there had previously been 32 venues. More people were now gambling on-line, rather than in a more social based environment, such as a gaming venue where having a maximum bet level provided some control over the levels of monies that patrons were able to spend.

- Gaming venues delivered benefits to the community.

The Hearings Committee then asked questions of Mr Goldfinch in regard to his evidence. In response he reiterated, in some detail, the various measures that would be put in place to address problem gambling and the training for staff at the premises. The main points that were addressed included:

- The installation of facial recognition technology at the gaming room entrance and linking this technology with the national database of excluded players.
- This technology would be installed at all gaming venues in the district, apart from the Stortford Lodge site due to the smaller scale of that particular site.
- This technology had been referred to at the earlier hearing in December 2017 but the associated Point of Sale system still had to be upgraded. Mr Goldfinch gave an undertaking that this upgrade would be done and the facial recognition technology would be installed within six (6) months.
- The size of the gaming room at the Loading Ramp would not be increased in order to accommodate the proposed additional gaming machines.
- Clarification was sought regarding some points that had been raised in correspondence between the reporting planner and Sam Alexander, the Compliance Manager for the Lion Foundation, in the lead up to the hearing. The Council believed that officers were entitled to have necessary information to assist them to understand the overall application - in terms of the proportion of gaming revenue from this site.
- Ms Alexander had challenged whether the council had the jurisdiction to request details of the proportion of revenue from gaming on the subject site as part of the application information, or whether this could only be assessed by the Department of Internal Affairs ("DIA").
- Mr Goldfinch suggested that Ms Alexander's query may have been related to the fact that in terms of gaming machine data, the DIA had an obligation to determine the conditions of gaming licences. It was DIA's primary purpose to ensure an operator did not exceed the primary purpose of its licence.
- Mr Goldfinch advised that the lockdown period, and any later lockdowns/alert level changes had considerably reduced the amount of revenue from gaming patrons. Having more people working from home; social distancing; and reduced numbers in the gaming room at any one time had also further reduced the amount of foot traffic in the CBD, leading to reduced gaming revenue.

The Reporting Planner, Megan Gaffaney addressed the meeting advising that she did not wish to amend the agenda recommendation to grant consent to establish an additional four Class 4 gaming machines. She noted that the Compliance Manager for the Lion Foundation, Sam Alexander, had been working in the lead up to the hearing to obtain the full financial records from the operator, in the form of a full 12 month set of audited accounts signed off by an Independent Chartered Accountant. However, these accounts had not yet been received.

The Hearings Committee did not ask any further questions of Mrs Gaffaney in regard to her report or the matters that had been raised during the hearing.

Mr Goldfinch then made a brief Right-of-Reply on behalf of the Applicant and responded to questions from the Hearings Committee. He gave an undertaking to forward the set of financial records as soon as the Lion Foundation received them from the venue operator.

The Chair thanked Mr Goldfinch for the latter's attendance at the hearing and for presenting evidence on behalf of the Applicant.

It was noted that the hearing would now be adjourned and the Committee would move into Public Excluded Session to undertake its deliberations.

Mr G Lyons/Mr P Kay

That the public be excluded from the deliberations in relation to the hearing of The Loading Ramp, 8 Treacher's Lane, Havelock North - Territorial Authority Consent Application for Class 4 Gambling Venue, to establish an additional four (4) gaming machines (RMA20170377). The reason for passing this Resolution in relation to this matter and the specific grounds under Section 48(2)(a) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:

a) Any proceedings before a local authority where:

- i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings; or**
- ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.**

CARRIED

The Hearing adjourned at 10.10am
and would reconvene in Public Excluded Session
for the Committee to undertake its deliberations

**WITH THE DECISION BEING RELEASED ON WEDNESDAY, 21 APRIL 2021
(FOLLOWING A RESOLUTION TO PROCEED IN OPEN SESSION
IN ORDER TO RELEASE THAT DECISION)**

LOADING RAMP - TERRITORIAL AUTHORITY CONSENT APPLICATION FOR CLASS 4 GAMBLING VENUE, TO ESTABLISH AN ADDITIONAL FOUR GAMING MACHINES (RMA20200256)...*CONTINUED*

The Committee then confirmed its decision in Open Session so it could be publicly released. The Substantive Wording is set out below. The full decision wording, including narrative, is contained in a separate document as noted in italics below.

DECISION

Mr P Kay/Councillor Schollum

That under section 98(a) of the Gambling Act 2003, territorial authority consent be granted for The Loading Ramp, at 8 Treachers Lane, Havelock North to establish an additional four Class 4 gaming machines.

(Note: The full wording of the signed hearing decision, is attached as a separate document. The full decision is circulated with, and forms part of these minutes – the signed decision is saved under 99926#0389 in the Council’s records system).

The meeting had been adjourned at 11.00am on Tuesday, 30 March 2021

Following deliberations the meeting was formally closed on Tuesday, 20 April 2021
(via a verbal direction from the Chair to the Democracy & Governance Advisor)

The signed decision was then subsequently issued on Wednesday, 21 April 2021

Confirmed:

Chairman:

Date: