

Kerry J Kay
President
East Coast Bays Returned Services Association Incorporated
784 Beach Road
P.O. Box 35014
Browns Bay
Auckland 0630

RE: APPLICATION FOR COUNCIL CONSENT TO OPERATE GAMBLING MACHINES

Dear Kerry

Thank you for your application to Auckland Council dated 13.9.17.

You have asked us to consider giving territorial authority consent to operate nine pokie machines at your new premises at 784 Beach Road, East Coast Bays, where the RSA has merged with the Browns Bay Bowling Club.

This application has arisen as a result of the RSA's decision to sell its existing premises at 13-15 Bute Road, Browns Bay after the premises suffered fire damage resulting in significantly decreased patronage. 16 pokie machines were previously operated at this location.

Considerations

The Council must consider this application under the Pokie Venue Policy. The Policies objectives are:

- a) To control the growth of gambling in Auckland.
- b) To minimise the harm caused by gambling in Auckland.

The Pokie Venue Policy has a 'sinking lid' rule on the number of gambling venues and machines, and does not allow for existing venues to relocate unless they are merging with another club to a premises that already has gambling machines.

The Browns Bay Bowling Club does not have gambling machines

Consequently granting the application would be inconsistent with the Council's Pokie Venue Policy. It would also be inconsistent with the objective of the policy, which is to minimise the harm (as opposed to reducing harm) caused by gambling in Auckland. This policy was developed through a special consultative procedure under section 83 of the Local Government Act 2002. Under this procedure councillors heard and considered the views of Aucklanders.

If councillors had intended that dispensation could be given from the Pokie Venue Policy's rules, this likely would have been included in an exemption clause in the policy. The Regulatory Committee specifically considered allowing for relocations when it confirmed the policy in June 2017, and decided against doing so.

I note that paragraph 7.3 of the application concludes that, based on studies “clubs incur less problem gambling than other gaming machine operators”. This statement confirms that harm does come from gambling in clubs, just less than in other kinds of premises. This further demonstrates that granting this application is unlikely to contribute to minimising (as opposed to reducing) harm from gambling in Auckland.

While money received from the gambling machines may contribute towards improving the club to the benefit of the community it would still be at the expense of potential gambling related harm. I also note that in 2016, 75 percent of the East Coast Bays RSA voting members preferred relocation of the premises despite the Council having a “sinking lid” policy on pokies since 2013.

Decision

I have considered the application in accordance with Councils Class 4 Gambling (Pokies) Venue Policy. The policy has a strong focus on minimising harm from gambling and does not make any allowance for a departure from this position. Consequently I have determined not to grant consent to the East Coast Bays Returned Services Association Incorporated for the issue of a class 4 venue licence at its new premises, 784 Beach Road, East Coast Bays, Auckland.

Yours faithfully



Max Wilde
Manager Bylaws and Compliance
Licencing and Compliance Services
Auckland Council