

## **Class 4 Gambling and Racing Board Venue Policy**

### **1. Introduction**

The Gambling Act 2003 requires Tararua District Council to have a policy on Class 4 venues (Gambling Venue Policy) for its district, and the Racing Act 2003 also requires the Council to have a policy on Board venues (Board Venue Policy).

Council had permissive policies with no restrictions on the number of venues or the overall number of machines in 2004 and 2007. The Policy then did not include a sinking lid target for machines. The 2010 review included a policy that aimed to reduce the number of Class 4 gambling machine numbers to under 100 via a continuous sinking lid policy. The reviews of the policy in 2013, 2016 and 2019 confirmed this sinking lid policy.

Since the adoption of the original policy in 2004, the number of Class 4 venues operating in the district has decreased from 15 to 10, and the number of gaming machines has fallen from 127 to 122 (with a peak of 134). The reduction in venues and machines is taking place by a process of natural attrition as venues cease operating over time.

After reviewing the current policy, the Council remains committed to retaining the sinking lid policy on the number of Class 4 venues and gaming machines within the district. This reaffirms that the Council will not approve the establishment of any more venues or further gaming machines until achieving the target to reduce the number of machines to fall below 100. That objective acknowledges the social impact of gambling and the harm caused to its communities.

The Gambling Act 2003 also amended the Racing Act 2003. Council's Board Venue Policy established under Section 65D of the Racing Act 2003 must specify whether or not new Board venues may be established in the district and, if so, where they may be located.

The purpose of the Gambling Act 2003 is to:

- a) control the growth of gambling; and
- b) prevent and minimise the harm caused by gambling, including problem gambling; and
- c) authorise some gambling and prohibit the rest; and
- d) facilitate responsible gambling; and
- e) ensure the integrity and fairness of games; and
- f) limit opportunities for crime or dishonesty associated with gambling; and
- g) ensure that money from gambling benefits the community; and
- h) facilitate community involvement in decisions about the provision of gambling.

The Tararua District Council Gambling and Racing Board Venue Policy covers Class 4 venues operated by societies and clubs, and also New Zealand Racing Board venues.

All current licensed Class 4 venues that have not ceased operations for more than six months do not require consent from the Council to continue their operations. Council added a relocation policy in 2016 to allow existing operators to relocate with the same number of machines, and agreed to retain that provision in 2019. The ability for Council to allow this was enacted in 2013.

Council has developed the Gambling and Racing Board Venue Policy with regard for the social impact of gambling within its district as required by the Gambling Act 2003, and the Racing Act 2003. Research by Ministry of Health and the Department of Internal Affairs shows that there is an adverse social impact to parts of the community caused by gambling. Tararua District has a high proportion of gaming machines relative to the New Zealand average. Since 2004, the total number of approved gaming machines in New Zealand has declined by over 30%.

### Class 4 Gambling

Class 4 gambling involves the use of an electronic gaming machine outside a casino. It may only be conducted by a corporate society and the net proceeds can only be used for authorised purposes.

Section 101(3) of the Gambling Act 2003 requires that the gambling venue policy:

- Must specify whether or not Class 4 venues may be established in the district and, if so, where they may be located
- May specify any restrictions on the maximum number of gambling machines that may be operated at a Class 4 venue.

A society must apply for Council's consent before it:

- Establishes new gaming machine venues; or
- Increases the number of machines that may be operated from existing venues.

### New Zealand Racing Board (NZRB) Venues

The Racing Act 2003 also requires the Council to adopt a NZRB venue policy for the district. The policy must specify whether new NZRB venues may be established in the district and if so, where they may be located. This policy only applies to standalone venues and not other venues such as clubs and bars where TAB betting services are provided.

## 2. Objectives and Scope of the Policy

### Objectives

The objectives of the policy are to:

- manage the number and location of venues and gaming machines within the district;
- to allow those who wish to participate in this form of gambling, to do so within the district and;
- to have regard to the social impact of gambling within the district.

### Scope

This policy only applies to Class 4 and NZRB venues within the Tararua District that require Council's consent to operate.

For Class 4 venues consent is required:

- if a corporate society wants to increase the number of gaming machines that it operates at a Class 4 venue from the number currently licensed;
- if a corporate society wants to apply for a Class 4 venue licence for a new venue that has not previously been licensed;
- if a corporate society wants to relocate their Class 4 venue licence;
- if a corporate society wants to apply for a Class 4 venue licence for a venue that has been previously licensed, but not within the last six months.

Council consent is not required where a Class 4 venue;

- was licensed prior to 17 October 2001, and
- has not ceased operations for any period longer than six months, and
- does not increase the number of machines on the premises.

For NZRB venues Council consent is required if a new NZRB venue is proposed.

## 3. Class 4 Venue Policy

This policy is adopted by the Tararua District Council in accordance with sections 101 and 102 of the Gambling Act 2003.

### 3.1 Description

The Tararua District Council adopts a sinking lid approach to the number of class 4 venues and gaming machines. Subject to the consent conditions below, it will not approve the establishment of any more venues or gaming machines in the district until the number of gaming machines falls below 100.

The sinking lid target refers to the number of gaming machines that have been approved to operate.

### 3.2 Consent Conditions

The Council will not consent to an increase in the number of gaming machines in an existing Class 4 gambling venue.

The Council will consider granting a consent to the establishment of a new Class 4 venue only where there is a corresponding disestablishment of an existing Class 4 gambling venue within the district.

The following conditions must be met for a consent to be considered:

- The applicant corporate society is disestablishing an existing Class 4 venue,
- The new Class 4 venue will have no more than nine machines,
- The new Class 4 venue will be located on premises licensed under the Sale and Supply of Alcohol Act 2012 (either an on-licence or a club licence), or be a NZRB venue;
- All new venues must comply with District Plan provisions.
- No new Class 4 Gambling Venue or TAB (NZRB) Venue may be closer than 100 metres pedestrian distance of any school, early childhood centre, kindergarten or place of worship.

### 3.3 Venue Relocation Policy

A new venue consent will be issued by Council in the following circumstances:

- a) Where the venue is replacing an existing venue within the district; and
- b) Where the existing venue operator consents to the relocation; and
- c) Where the proposed new location meets all the other requirements of this Policy.

In accordance with section 97A of the Gambling Act 2003, when consent is sought to relocate a venue under this relocation provision, the new venue may operate up to the same number of machines that was permitted to operate at the old venue immediately before the old venue licence is cancelled.

As set out in section 97A(2)(c) of the Gambling Act 2003, when the new venue is granted a new consent under this relocation policy, the old venue must be treated as if no Class 4 venue licence had ever been held by any society for that venue. The old venue will therefore require a new consent from Council to continue to operate Class 4 gambling machines and will be subject to all new consent requirements.

## 4. **New Zealand Racing Board Policy**

This policy is adopted by the Tararua District Council in accordance with sections 65D and 65E of the Racing Act 2003.

The Council will approve standalone NZRB venues established anywhere within the Tararua District, subject to the provisions of the Tararua District Plan and meeting application and fee requirements.

## **5. Administration**

### **5.1 Applications**

Applications for Council consent must be made on the approved form and must provide:

- name and contact details for the application;
- street address of the premises proposed for the venue;
- the names of management staff;
- evidence of police approval for the owners and the managers of the venue;
- a 12 month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
- a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- details of liquor licence(s) applying to the premises, if required.

### **5.2 Fees**

These will be set by the Council from time to time in the Long Term Plan and as specified in appropriate legislation and regulations, and shall include consideration of:

- the cost of processing the application, including any consultation and hearings involved;
- the cost of triennially reviewing the Class 4 Gambling Venue and Racing Board Venue Policy;
- the cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or license conditions;
- a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the district.

## **6. Commencement of Policy and Review**

This policy was adopted on 26<sup>th</sup> June 2019 and comes into effect from that date. The Council will complete a review of this policy within three years of its adoption.