

Gambling Venue Policy 2019



1. INTRODUCTION

- 1.1. This Policy has been prepared in accordance with Section 101 of the Gambling Act 2003 and section 65D the Racing Act 2003.
- 1.2. Both Acts require territorial authorities (district councils) to have a policy that guides if, where and how many Class 4 (pokies) and New Zealand Racing Board (TAB) venues may be established in the district.
- 1.3. Both Acts require that these policies be reviewed every three years.
- 1.4. Gisborne District Council ("Council") have had a single combined policy for Gambling Venues (Class 4 and Board venues) since the legislation was introduced in 2003.
- 1.5. The operation of Class 4 Gaming machines must not be the primary activity of any Class 4 venue.

2. OBJECTIVES OF THE POLICY ARE TO:

- a. Control the growth of gambling.
- b. Prevent and minimise the harm from gambling, including problem gambling.
- c. Facilitate community involvement in decisions about gambling.
- d. Recover costs where appropriate.

3. ESTABLISHMENT OF BOARD VENUES

- 3.1. Board venues are defined in the Racing Act 2003 as those premises that are owned or leased by the New Zealand Racing Board (TAB) and where the main business carried out at the premises is providing racing betting, or sports betting services.
- 3.2. Council uses a 'sinking lid' approach to Board venues. Therefore Council will not grant consent for:
 - a. The establishment of any additional Board venues or additional gaming machines, including Class 4 machines in Board venues under this policy.
 - b. The re-establishment of a Board venue with or without gaming machines once a licence is no longer held for that venue and territorial authority consent is required.

Note: this situation usually applies when no licence has been held by the New Zealand Racing Board for a particular Board venue within the previous six months.

4. ESTABLISHMENT OF CLASS 4 VENUES & MACHINES

- 4.1. Class 4 gambling is the term used in the Gambling Act (2003) to describe non-casino gaming machines (pokies) and the premises that are used to operate those machines.
- 4.2. Council uses a 'sinking lid' approach to Class 4 venues and gaming machines. Therefore Council will not grant consent for:
 - a. The establishment of any additional Class 4 venues or additional gaming machines, including Class 4 machines in Board venues under this policy.
 - b. The re-establishment of a Class 4 venue or a Board venue with gaming machines once a licence is no longer held for that venue and territorial authority consent is required.

Note: *this situation usually applies when no licence has been held by any society for a particular Class 4 venue within the previous six months.*

5. RELOCATION OF CLASS 4 VENUES

- 5.1. Council may permit the relocation of existing class 4 venues where, due to circumstances beyond the control of the owner or lessee of the premises, the premises cannot continue to operate at that site. Examples of such circumstances include, but are not limited to, the following:
- fire
 - natural disaster or other natural event.
- 5.2. Any application to relocate a current venue will be considered on a case by case basis and approval will be at the discretion of the Council. Any new location will be subject to the following conditions:
- The application for relocation will be publically notified.
 - The venue operator of the new location shall be the same as the former location.
 - The maximum number of Class 4 gambling machines shall not exceed the number approved at the former location and are subject to any restrictions applicable under the Act.
- 5.3. Class 4 venues may only be established on relocation in the Inner Commercial Zone as defined by the Tairāwhiti Resource Management Plan. This is subject to:
- The venue being at least 100m from any sensitive sites¹ including educational facilities², spiritual facilities³, recreational facilities⁴, and automatic teller machines.
 - Meeting application fee requirements.

6. EXCEPTIONS FROM MEETING PARTS OF THE POLICY

- 6.1. In the case of clubs only, when two or more clubs wish to merge physically and legally in terms of section 95 of the Gambling Act 2003, they may be allowed to operate the sum of the number of gaming machines specified in all the clubs' Class 4 venue licences at the time of application or 18 machines, whichever is the lesser.

7. VISUAL AND SOUND

7.1. Visual

- Only one sign⁵ may make reference to the existence of Class 4 gambling, and may be visible from the street or other public space, this sign shall not mimic or replicate the operation of Class 4 machines;

¹ **Sensitive sites** are defined as areas, premises or facilities that are either considered more sensitive to alcohol-related harm, or are already experiencing greater levels of alcohol related harm than other areas as determined by the DLC. Such sites are educational institutions, spiritual facilities, marae and recreational facilities.

² **Educational Facilities** are defined as early-learning and child-care facilities, primary, secondary and tertiary institutions and institutions delivering educational services for vulnerable groups such as unemployed, youth or disabled groups.

³ **Spiritual Facilities** are defined as a building or part of a building used primarily for public and private worship, or for religious purposes, including ceremonies, services, instruction or education, or for meetings or social functions directly related to the work of a religious organisation, and includes all land which is held for any of the foregoing purposes

⁴ **Recreational facilities** are defined as including parks, reserves, skate parks, youth centres and libraries

⁵ **Sign: As defined by the Tairāwhiti Resource Management Plan**

- b. No other sign shall promote or identify the existence on site, of Class 4 machines; and
- c. Advertising signs and activities within the building associated with the operation of Class 4 machines shall not be visible from beyond the property boundary.

7.2. Sound

- a. The operation of Class 4 gambling machines shall not be audible from beyond the property boundary of the venue.

8. TERRITORIAL CONSENT

8.1. Applications

- a. Applications for a territorial authority consent under the Gambling Act 2003 and Racing Act 2003 must be made on the approved form and must provide to the satisfaction of Council:
 - b. Name and contact details of the applicant.
 - c. Street address and exterior photograph of the premises proposed for merger.
 - d. A copy of the proposed Gambling Harm Minimisation Policy, including the staff training programme and details of how underage access and use will be controlled effectively. Note: Any liquor licence details should be included.
 - e. Sufficient evidence to confirm gambling will not be the venue's primary activity. This could include:
 - i. 12 month business plan or budget for the establishment; and
 - ii. A site plan covering both gambling and other activities proposed for the venue.
 - f. Details of design and layout shall be provided to demonstrate how the venue will comply with Clause 7 of this policy.
 - g. Signed, written approval from the verified property owner.
 - h. Other relevant information requested by the territorial authority, or that the applicant wishes to provide.

8.2. Determining applications

Any application for territorial authority consent shall be publically notified before being considered and determined by the Council Hearings Committee and consideration shall include, but not be limited to, the following:

- a. Whether the application complies with this policy.
- b. Whether the application demonstrates compliance with the relevant parts of the Gambling Act 2003 and its objectives and where applicable with the relevant parts of the Racing Act 2003.
- c. Where there have been submissions resulting from public notification, that the views of the local community have been given high regard.
- d. The characteristics of that part of the Gisborne District.
- e. The cumulative effects of gambling on the Gisborne District as a whole are considered.

9. FEES

Any advertising device or advertising matter, whether consisting of a specially constructed device or structure, or painted, printed, written, carved or projected onto, placed or otherwise fixed to or upon any premises, building, structure or stationary vehicle that is visible from any public place and shall include community signs, permanent signs, portable signs and temporary signs.

- 9.1. Territorial authority consent application fees will be set by the Council, and may include consideration of:
- a. The cost of processing the application, including any consultation and hearings related costs;
 - b. The cost of monitoring Class 4 and Board venues to ensure compliance with consent conditions.

10. REVIEW

A review of this policy shall be undertaken at least once every three years.

11. DEFINITIONS

Board venue: means premises that are owned or leased by the New Zealand Racing Board (TAB) and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

Class 4 venue: means a place used to operate class 4 gambling as defined by the Gambling Act 2003.

Class 4 gambling: is the term used to describe non-casino gaming machines (pokies). Under the Gambling Act (2003) class 4 gambling satisfies the following criteria:

- a. The net proceeds from the gambling are applied to, or distributed for, authorised purposes; and
- b. No commission is paid to, or received by, a person for conducting the gambling; and
- c. The gambling, and the conduct of gambling, satisfies relevant game rules; and
- d. Either
 - i. The secretary has categorised the gambling as Class 4 gambling and not as another class of gambling; or
 - ii. The gambling utilises or involves a gaming machine.

Club: means a voluntary association of persons combined for a purpose other than personal gain.

Inner Commercial Zone: meaning as defined in the Tairāwhiti Resource Management Plan.

Sign (As defined by the Tairāwhiti Resource Management Plan) Any advertising device or advertising matter, whether consisting of a specially constructed device or structure, or painted, printed, written, carved or projected onto, placed or otherwise fixed to or upon any premises, building, structure or stationary vehicle that is visible from any public place and shall include community signs, permanent signs, portable signs and temporary signs.

Effective Date:

This policy come into effect on 27 June 2019

Sponsor:

Nicholas Zaman

Director

Environmental Services and Protection Hub

Review:

This policy is due to be reviewed by June 2022