



# **Policy on Gambling**

## **Venues**

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Responsibility	<b>Compliance Group</b>

## 1.0 Introduction

- 1.1 Waitomo District Council (WDC) is required to adopt a policy on Class 4 venues (Gambling Venue Policy) for its district under the Gambling Act 2003 (the Act).
- 1.2 Section 101(3) of the Act requires that the class 4 venues policy:
  - i. must specify whether or not class 4 venues may be established in the territorial authority district and if so, where they may be located; and
  - ii. may specify any restrictions on the maximum number of gaming machines that may operate at class 4 venues.
- 1.3 WDC must also have a policy on Board Venues as required by the Racing Act 2003. A board venue policy must specify whether new board venues may be established in the District and if so where they may be located.
- 1.4 WDC recognises the harm that gambling can bring to the community and aims to help minimise this harm by having policy in place to control it. Gaming machine operators are regulated by the Department of Internal affairs and therefore this policy is not aimed at ensuring compliance by gaming machine operators.
- 1.5 WDC also recognises that one of the benefits of gaming machines within the District is increased availability of community funding or grants for the community.

## 2.0 Policy Objective

- 2.1 The objectives of this policy are:
  - a) To support the intent of the Gambling Act 2003 as follows:
    - (i) control the growth of gambling; and
    - (ii) prevent and minimise the harm caused by gambling, including problem gambling; and
    - (iii) authorise some gambling and prohibit the rest; and
    - (iv) facilitate responsible gambling; and
    - (v) ensure the integrity and fairness of games; and
    - (vi) limit opportunities for crime or dishonesty associated with gambling; and
    - (vii) ensure that money from gambling benefits the community; and
    - (viii) facilitate community involvement in decisions about the provision of gambling.
  - b) To support the intent of the Racing Act 2003 as follows:
    - (i) to provide effective governance arrangements for the racing industry; and
    - (ii) to facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
    - (iii) to promote the long-term viability of New Zealand racing.

- 2.2 WDC supports the intent of both the Gambling Act 2003 and the Racing Act 2003 however WDC has no direct role in monitoring and enforcing the intentions of the respective Acts and in particular those intentions listed in clauses 2.1(a)(v), 2.1(a)(vi) and 2.1(b)(iii) of this policy.

### **3.0 Definitions**

**"The Act"** shall mean the Gambling Act 2003.

**"Council"** shall mean the elected members that form the governing body (Council) of the District Council.

**"Waitomo District Council (WDC)"** shall mean the organisation established to administer Council affairs, conduct operations and bring effect to Council policy and strategies.

**"Plans"** shall mean Council's Long Term Plan, Annual Plan, District Plan or other Strategic Plans.

**"Primary Activity"** means the activity primarily associated with and promoted by the venue.

**"Class 4 Gambling"** shall have the meaning contained in Section 30 of the Act.

**"Club"** means a private club licensed to serve alcohol to members.

**"New venue"** means a venue granted a Class 4 licence not held as at 31 March 2014.

**"Class 4 Venue"** shall mean a place used to conduct Class 4 gambling as outlined in the Gambling Act 2003.

**"Gaming Machine"** shall mean a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling.

**"Harm"** means harm or distress of any kind arising from, or caused or exacerbated by, a persons gambling.

**"Venue Consent"** shall mean approval from the WDC to establish a Class 4 gaming venue within the District.

**"Venue Licence"** means a Class 4 venue licence issued by the Department of Internal Affairs.

**"District"** shall mean the Waitomo District as constituted under Schedule 2 of the Local Government Act 2003.

**"Board Venue"** means premises that are owned or leased by the New Zealand Racing Board and where the main business carried out on the premises is providing racing betting or sports betting services.

**"Te Kuiti Urban Area"** shall be a 5km radius from the Te Kuiti Post Office (deemed to be the centre of town)

## **4.0 Policy Statements**

### **4.1 Establishment of Class 4 or Board Venues**

4.2 Class 4 venues and Board venues may be established within the Waitomo District subject to:

- i. the number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) on gaming machines as detailed in 4.7.
- ii. not being a venue at which any activity at the venue is associated primarily with family or children's activities, or a venue that promotes their premises predominately for family dining or family activities.
- iii. a venue which operates as a brothel will not be granted a Class 4 venue or Board venue consent.

### **4.3 Location of Class 4 or Board Venues**

4.4 Class 4 gambling venues or Board venues cannot be established adjacent to or directly opposite any kindergarten, early childhood centre, school or place of public worship.

### **4.5 Primary Activity of Class 4 or Board Venues**

4.6 The primary activity of any Class 4 gambling venue or Board venue shall be:

- i. For the sale of alcohol or, the sale of alcohol and food where the venue is subject to a alcohol licence (not being an off licence or a bring-your-own licence) for a hotel, tavern, bar, chartered club or club licence; or
- ii. Where the alcohol licence for the venue is an on-licence or club licence for the sale of alcohol; or
- iii. The conducting of race and sports betting in stand alone New Zealand Racing Board Venues under the Racing Act 2003.

### **4.7 Maximum number of allowable gaming machines and Class 4 venues**

4.8 The maximum number of gaming machines allowed within the Waitomo District (District cap) shall not exceed 77.

*In deciding on the District cap, Council has drawn a balance between reducing the social harm of gambling and benefits arising from generation of community funding. Consideration was also given to the policy objective of controlling the growth of gambling in the District. The status quo, being one of the options was in a flux - the total number of machines in the District as at 1 April 2014 were 82 but during the review the number reduced to 68. The District cap arrived at is a balance between these two.*

4.9 New Class 4 gaming venues will be allowed a maximum of 9 gaming machines subject to the total number of gaming machines in the District cap not being breached.

- 4.10 The number of Class 4 gaming venues in the Te Kuiti urban area will be limited to 5.

*As at 1 April 2014, the number of people per gaming machine in Te Kuiti was 61 which is substantially more than the District average of 109 people per gaming machine. The cap on the number of Class 4 gaming venues in Te Kuiti has been introduced to discourage any further concentration of venues within Te Kuiti urban area in consideration of the potential harm of gambling. In deciding upon this number Council considered the status quo as at 1 April 2014 to be a prudent cap.*

#### **4.11 Increase in number of Gaming machines**

- 4.12 Consent will not be granted to any Class 4 gaming venue for increasing the number of gaming machines it is currently operating.

#### **4.13 Signage for Class 4 Gaming venues**

- 4.14 Gaming machines and or signage relating to or promoting gambling must not be visible from any public place outside the venue.

#### **4.15 Clubs with existing Class 4 venue licenses merging**

- 4.16 In the event of two or more clubs with existing Class 4 gambling venue licenses merging, new venue consent shall be required. Notwithstanding other Council requirements for venue consent, Council will give consideration to the maximum number of machines at the merged venue being up to the lesser of:

- i. the total of the machine numbers in the merging venues prior to the merger; or
- ii. 18 machines.

#### **4.17 Relocation of Class 4 Venues**

- 4.18 Notwithstanding other conditions in this policy, where a legally established venue applies for consent to relocate to a new site, WDC will consider such application on the same basis as a new venue application, with the exception that such venue may relocate and retain the pre-existing number of gaming machines to such new site. That exception will be subject to the requirement that the total number of machines in the District remains within the overall district cap of 77 machines.

## **5.0 Procedures**

- 5.1 Applications for a venue consent must be made on the approved form and must be accompanied by the information required by WDC to enable it to consider the application in detail including:

- i. name and contact details for the application
- ii. street address of premises proposed for the Class 4 licence
- iii. the names of management staff
- iv. evidence of police approval for owners and managers of the venue
- v. a copy of the approved gambling harm and minimisation policy, the staff training programme and the applicants host responsibility programme
- vi. evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 gambling venues

- 5.2 In order to monitor the benefits versus harm of gaming venues WDC will request operators identify local recipients of charitable funding.
- 5.3 The application and processing fees will be as listed in Council's Fees and Charges.

## **6.0 Review**

- 6.1 This policy will be reviewed at least every three years.
- 6.2 The maximum number of machines allowed within the District as well as the cap on venues in Te Kuiti urban area may be reassessed in future reviews in consideration of the benefits versus harm of gambling.