



# GAMBLING POLICY 2020

## Kaupapa Here Wāhi Petipeti 2020

## 1. Introduction

### 1.1 Overview

Under the Gambling Act 2003 and the Racing Industry Act 2020, Council must have both a Class 4 Gambling Venue Policy and a TAB Venue Policy. Council has chosen to combine these policies into one Gambling Policy. These Acts set out factors that Council must take into consideration when developing the policy.

### 1.2 Gambling Act 2003

The purpose of the Act is:

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

### 1.3 Racing Industry Act 2020

The purpose of the Act is to:

- reform the law relating to New Zealand racing in order to—
  - (i) provide effective governance arrangements for the racing industry; and
  - (ii) promote the long-term viability of New Zealand racing; and
  - (iii) facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
  - (iv) ensure that the value of racing property is retained in the industry and is used for maximum industry benefit; and
- prevent and minimise harm from gambling conducted under this Act, including harm associated with problem gambling.

The TAB NZ may establish TAB venues where the main business carried out is providing racing betting or sports betting services.

## 1.4 Policy purpose

The purpose of this Gambling Policy is to state Council's position regarding class 4 and TAB gambling and provide guidance as to the conditions required for relocation of a class 4 or TAB venue.

## 2 Definitions

Class 4 gambling	Gambling that satisfies the following criteria: <ul style="list-style-type: none"><li>a. the net proceeds from the gambling are applied to, or distributed for, authorised purposes; and</li><li>b. either-<ul style="list-style-type: none"><li>(i) no commission is paid to, or received by, a person for conducting the gambling; or</li><li>(ii) the only commission that is paid to or received by a person for conducting the gambling is a commission payment to a venue operator that complies with regulations made under section 371(1)(dd) of the Gambling Act; and</li></ul></li><li>c. there are game rules for the gambling; and</li><li>d. the gambling, and the conduct of the gambling, satisfies relevant game rules; and</li><li>e. either -<ul style="list-style-type: none"><li>(i) the Secretary for Internal Affairs has categorised the gambling as class 4 gambling and not as another class of gambling; or</li><li>(ii) the gambling utilises or involves a gaming machine.</li></ul></li></ul>
Class 4 venue	A place used to operate class 4 gambling.
Club	A voluntary association of persons combined for a purpose other than personal gain.
TAB venue	Premises owned or leased by TAB NZ and where the main business carried on at the premises is providing racing betting, sports betting, or other racing or sports betting services.
TAB	Totalisator Agency Board.

## 3 Policy statement

### 3.1 Objectives of the policy

- To minimise the harm caused by Class 4 and TAB gambling.
- To ensure the Council and the community has influence over the provision of new class 4 gambling and TAB venue licences.
- To provide a clear view of Council's position for those who may wish to apply for consent to operate a class 4 venue or a TAB venue.

### 3.2 Class 4 gambling

A 'sinking lid' is applied by this policy. This means that no new class 4 or TAB venues will receive consent from Council. Council will also not give consent for a current class 4 venue to operate more gaming machines.

### 3.3 Relocations of class 4 venues

Council will consider granting consent for relocation of existing class 4 or TAB venues.

In considering an application for class 4 or TAB venue relocation, Council will give regard to the proposed location of the new venue and its proximity to

- early childhood centres/kindergartens, schools, kohanga reo, and playgrounds, and
- other licensed class 4 venues and TAB venues at the time of application.

The new venue must also be in a lower deprivation area than the existing venue.

The number of class 4 gaming machines at the new premises must be the same or less than the existing class 4 venue.

In the case of a club only, Council will consider granting a relocation consent to a new club site, or where two or more existing clubs combine.

#### 3.3.1 Applications for consent for relocation under this policy

Applications for relocation consents must be on Council's approved form and must provide:

- Name and address of the class 4 gambling licence holder
- Contact details for the consent
- Street address of the new venue
- Details and evidence of the operation of the venue and in the case of a club, details of the membership and activities
- A scale site plan detailing both gambling and other activities proposed for the new venue, including details of each floor of the new venue, where gaming machines are to be located and the size of the area the gaming machines will occupy
- A location map of the new venue, detailing distances to nearby early childhood centre/kindergartens, schools, kohanga reo, playgrounds, other licenced class 4 venues and TAB venues
- The number of gaming machines proposed at the new venue
- Evidence that the new location is in a lower deprivation area than the existing venue
- Copies or evidence of all other applicable approvals (e.g. liquor, health, planning, building)

In the event where it is possible for the class 4 or TAB venue to re-establish in its original location after any repairs, this policy provides for relocation to the original site of the venue. Council will consider allowing temporary relocation to a site which complies with the conditions above whilst repairs are undertaken.

Application fees will be set by Council from time to time and shall include the cost of processing the new application. The Council will comply with section 150 of the Local Government Act 2002 in setting such fees.

### **3.4 Mergers of clubs which hold class 4 venue licences**

Council may grant consent for the merger of two or more clubs which hold class 4 venue licences. The maximum number of gaming machines at the merged venue shall be the same or less than the total number of machines in the merging venues prior to the merger.

Council will only grant consent once proof has been provided that the original class 4 venue licences have been cancelled as per s95(6)(a) of the Gambling Act 2003.

Nothing in this policy prevents a club with a class 4 venue licence from merging with a club without a class 4 venue licence, providing that the newly formed club has the same general purpose as the club which originally held the licence.

## **4 Policy review**

The Council will review this policy every three years.