

# Class 4 Gambling and Board Venue Policy 2020

## Purpose:

To establish a framework for the regulation and control of Class 4 Gambling and Board Venues in the Central Otago District.

## Scope:

This policy applies to two types of venues where gambling may occur in Central Otago. Existing venues and applications for new venue licences are captured by this policy.

### Class 4 Gambling Venues:

Under section 101 of the Gambling Act 2003, territorial authorities are required to adopt a policy to regulate the growth and location of Class 4 Gambling (non-casino electronic gaming machines) within their district. The areas where territorial authorities have jurisdiction are:

- To determine whether new Class 4 venues may be established within the district and if so to determine any restrictions to be placed on those locations.
- If Class 4 venues are permitted in the district, to determine the maximum number of machines that may be at each venue, subject to statutory limits.

### Board Venues:

Under section 65D of the Racing Act 2003 territorial authorities are required to adopt a policy to specify whether the New Zealand Racing Board may establish new stand-alone Totalisator Agency Board (TABs), known as 'board venues', in the district and if so, where they may be located. This policy does not deal with TABs in pubs and clubs as these may be established without Territorial Authority consent.

## Objectives:

- To ensure the Council and the community has influence over the provision of new gambling opportunities in the district.
- To control and manage the growth of gambling in the district.
- To prevent and minimise the harm caused by gambling.
- To allow those who wish to participate in electronic gaming machines, racing and sports betting totaliser (TAB) gambling to do so safely and responsibly within the district.
- To ensure compliance with the requirements of the Gambling Act 2003 and Racing Act 2003.
- To create a flow of information so that the ongoing effects of gambling in the district may be continually monitored and assessed.

## Definitions:

### Class 4 Gambling Venue

Class 4 Gambling means venues with non-casino electronic gaming machines, commonly known as 'pokie machines'. These venues can include taverns, hotels and clubs (but not casinos). Casino licensing is treated as a separate matter under the Gambling Act 2003.

### Board Venue

Board Venues are premises that are owned or leased by the New Zealand Racing Board where the main business being carried out is providing racing betting or sports betting services under the Racing Act 2003. The definition of a Board Venue excludes other places where the New Zealand Racing Board operates a TAB outlet or self-service betting machine.

## Policy:

### Where Class 4 Gambling or Board Venues may be established:

Class 4 Gambling and Board Venues may be established in the district subject to the following considerations:

- Proximity to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant must demonstrate that the proposed venue will not adversely impact on such institutions.
- Not being located so as to provide for a concentration of gambling venues.
- Not being a venue at which the primary activity is associated with family or children's activities.
- The electronic gaming machines to be located in the venue are positioned to minimise their visibility from the street and from underage patrons at the venue.

### Number of electronic gaming machines to be allowed:

Set out below is the maximum number of machines that may be allowed in a given scenario. Council has the discretion in each case to approve a number lesser than the maximum if that is what is applied for, or the Council considers a lesser number of machines to be appropriate given the objectives of this policy.

- New venues or existing venues which have not held a licence for the past six months may be allowed up to a maximum of 9 electronic gaming machines.
- Venues with licences issued after 17 October 2001 and before 22 September 2003 may be allowed to increase the number of machines operated at the venue to a maximum of 9.
- Venues that held licences on 17 October 2001 and which want to increase machine numbers to more than that notified on 22 September 2003, under section 89 of the Gambling Act 2003, may be allowed to increase the number of machines to a maximum of 18.
- In the case where two or more Class 4 Gambling venues merge, the maximum number of electronic gaming machines that may be allowed at the merged venue up to a maximum of 30 machines or the sum of the machines operating at all venues of the clubs that are merging.

### Relocation Policy:

An existing Class 4 Gambling venue that relocates may be allowed up to the maximum number of gaming machines approved at the time of closing of the former venue, subject to meeting the other conditions of this policy.

### Primary activity of Class 4 Gambling and Board Venues:

#### Class 4 Venues

New Class 4 gambling venues may only be established where the primary activity of the venue is:

- To sell and supply alcohol for consumption on the premises as licensed under the Sale and Supply of Alcohol Act 2012, or;
- The conducting of racing and sports betting under the Racing Act 2003.

### Board TAB venues

New Board Venues may only be established where the primary activity of the venue is the conducting of racing and sports betting under the Racing Act 2003.

### Applications:

#### For new venue licence

New gaming machine venues (including existing venues that held a licence on 17 October 2001 but have not held a licence in the last six months) and new Board Venue sites need territorial authority consent.

Applications for consent to the Central Otago District Council must be made on the approved form and must provide:

- Name and contact details of the applicant;
- Street address of premises proposed for the venue;
- The names of management staff;
- Evidence that the proposed location complies with this policy;
- Evidence that the primary purpose of the proposed venue complies with this policy;
- If a Class 4 venue, the number of machines that the venue wishes to operate;
- A site plan and photographs covering both gambling and other activities proposed for the venue, including details of each floor of the venue. This site plan must clearly show where the electronic gaming machines are to be located on the premises and the location, size and content of the proposed signage for the venue.

#### To increase the number of machines

All Class 4 gambling venues need local authority consent to increase the number of machines they are operating above either the maximum allowed under their current local authority consent, or the number they notified the Department of Internal Affairs as operating on 22 September 2003 (see s89 Gambling Act 2003).

Applications for consent to the Central Otago District Council must be made on the approved form and must provide:

- Name and address details for the application;
- Street address of premises proposed for the Class 4 venue;
- Copy of current licence and local authority consent;
- Details on the number of machines that they are currently operating and the number they wish to increase to.

### Application Fees:

These will be set by the Central Otago District Council from time to time 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 and Board Venue Policy.
- A contribution towards the cost of triennial assessments of the social impact of gambling in the Central Otago District.

### Administration:

- Council will issue a decision within 30 working days of receipt of an application for consent. Council shall specify whether or not it will grant a venue consent and whether it will impose a condition specifying the maximum number of gaming machines that may be operated at a Class 4 venue.
- Applications will be considered by an authorised council officer pursuant to delegated authority.
- The Planning and Environment Committee of the Council shall administer this policy.
- The Planning and Environment Committee shall have final jurisdiction in respect of determining any application under this policy.

### Relevant Legislation:

Gambling Act 2003

Racing Act 2003