

# Gambling Venues Policy

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## **Introduction and Overview**

- 1.1. The Gambling Act 2003 and Racing Industry Act 2020 require local authorities to adopt a class 4 gambling venues policy and TAB venue policy respectively.
- 1.2. Due to the similarities between the requirements for the two policies, they have been consolidated into one Gambling Venues Policy.

## **2. Class 4 Venue Policy**

### **2.1. Introduction and overview**

- 2.1.1. The purpose of the Gambling Act 2003 is to:
  - (i) control the growth of gambling;
  - (ii) prevent and minimise the harm caused by gambling, including problem gambling;
  - (iii) authorise some gambling and prohibit the rest;
  - (iv) facilitate responsible gambling;
  - (v) ensure the integrity and fairness of games;
  - (vi) limit opportunities for crime or dishonesty associated with gambling;
  - (vii) ensure that money from gambling benefits the community; and
  - (viii) facilitate community involvement in decisions about the provision of gambling.
- 2.1.2. The Act places some responsibilities on territorial authorities in respect of class 4 gambling, and in particular to adopt a class 4 venue policy.
- 2.1.3. Class 4 gambling is gambling involving gaming machines and meeting certain other criteria.
- 2.1.4. Section 101 of the Act details what the policy may include. The 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;
  - (ii) may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
  - (iii) may include a relocation policy.
- 2.1.5. In determining the policy Council may have regard to any relevant matters, including
  - (i) the characteristics of the district and parts of the district;
  - (ii) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
  - (iii) the number of gaming machines that should be permitted to operate at any venue or class of venue;
  - (iv) the cumulative effects of additional opportunities for gambling in the district;
  - (v) how close any venue should be permitted to be to any other venue;
  - (vi) what the primary activity at any venue should be.

2.1.6. Any society wishing to establish a new venue or increase the number of electronic gaming machines at a venue must apply to the Council for territorial authority consent. The Council must consider the application in accordance with its class 4 venue policy and then either:

- (i) grant a consent with or without a condition specifying the maximum number of gaming machines that may be operated at the venue; or
- (ii) not grant a consent.

2.1.7. Any consent granted is permanent and cannot impose any conditions of operation of the venue. Venues are licensed and monitored by the Department of Internal Affairs.

## **2.2. Definitions for class 4 venue policy**

**Class 4 gambling** means gambling that is not gambling of another class and that satisfies the following criteria:

- (a) the net proceeds from the gambling are applied to or distributed for authorised purposes:
  - (i) no commission is paid to, or received by, a person for conducting the gambling;
  - (ii) the gambling satisfies relevant game rules; and
- (b) gambling that utilises or involves a gaming machine; or
- (c) gambling categorised by the Secretary as class 4 gambling.

**Class 4 gambling venue** means a place used to conduct class 4 gambling

**The Act** means the Gambling Act 2003

## **2.3. Objectives of class 4 venue policy**

2.3.1. The objectives of the class 4 venues policy are to:

- (i) Control the growth of gambling in the Waikato district;
- (ii) Minimize the harm caused by gambling, including problem gambling in the Waikato district;
- (iii) Reflect the views of local communities in respect of the provision of gambling in the Waikato district;
- (iv) Allow people who wish to participate in class 4 gambling in the Waikato district to do so.

## **2.4. Establishment of class 4 gambling venues in Waikato district**

2.4.1. No further class 4 venues may be established in the Waikato district.

## **2.5. Maximum number of gaming machines operated at a class 4 venue**

- 2.5.1. Subject to sections 2.5.3, 2.5.4 and 2.6 the maximum number of gaming machines that may be operated at a venue is nine in accordance with the Act.
- 2.5.2. Existing venues operating fewer than nine gaming machines are restricted to the number for which they were licensed at the time this policy comes into force.
- 2.5.3. The maximum number of gaming machines that may be operated at a venue that relocates in accordance with the relocation policy provided for in section 2.8 is the number for which they were licensed at the original venue as provided in section 97A(2) of the Act.
- 2.5.4. Where two or more clubs propose to merge and relocate to a new previously unlicensed venue, the maximum number of gaming machines that may be operated at the new venue is that determined under section 2.6.

## **2.6. Applications under section 95 of the Act by clubs merging**

- 2.6.1. Subject to sections 2.5.2 and 2.5.3, applications seeking Ministerial discretion pursuant to section 95 of the Act to increase the number of gaming machines at a club venue to greater than nine as a result of clubs merging may be approved at Council's discretion.
- 2.6.2. In considering any application for consent to increase the number of gaming machines to greater than nine at a merging club venue, Council shall have regard to the criteria detailed in section 95(1) of the Act.
- 2.6.3. The maximum number of gaming machines that may be approved is 5/6 of the total number of gambling machines that the merging clubs are licensed for at the time of application, to a maximum of 18 machines. For the purpose of this section, the number of gaming machines calculated in total will be rounded down to the lower whole number.

## **2.7. Applications under section 96 of the Act by clubs to operate up to 18 gaming machines**

- 2.7.1. Applications seeking Ministerial discretion pursuant to section 96 of the Act to permit more than nine electronic gaming machines at a club venue will not be approved.

## **2.8. Relocation Policy**

- 2.8.1. Subject to sections 2.5.2 and 2.5.3, Council will grant consent in respect of a venue where the venue is intended to replace an existing venue within the district to which a class 4 venue license applies only in the following circumstances:
  - (i) The proposed new venue has been newly constructed or refurbished for the purposes of the primary activity of the venue.
  - (ii) Any club or two or more clubs merging that propose moving to newly constructed or refurbished premises must be relocated within the same community of interest as the original club or clubs.
  - (iii) For any other venue the proposed new venue must be located in an area with a deprivation index at least the same or lower than the existing venue, using the deprivation index of 1 to 10, with 10 being the most deprived area (refer to Ministry of Health website for further information).

- (iv) No relocating class 4 venue will be permitted within 100m of kindergartens, early childhood centers, schools, places of worship, or other community facilities, measured from the closest boundary point of each allotment.
- (v) No relocating class 4 venue will be permitted to relocate within 100m of another class 4 venue, measured from the closest boundary point of each allotment.

## **2.9. Application Forms**

2.9.1. Applications for consent must be made on Council's approved form and must provide:

- (i) Name and address of the society;
- (ii) Contact details;
- (iii) Street address of the venue;
- (iv) Details and evidence of the operation of the venue and in the case of a club, details of the membership and activities;
- (v) A scale site plan detailing both gambling and other activities proposed for the venue, including details of each floor of the venue, where gaming machines are to be located and the size of the area the gaming machines will occupy;
- (vi) The number of gaming machines proposed.

## **2.10. Application Fees**

2.10.1. Application fees are set by Council resolution and include consideration of:

- (i) Processing class 4 gambling consent applications including any consultation and hearings involved;
- (ii) Reviewing Council's class 4 venue policy.

## **2.11. Policy Review**

2.11.1. Pursuant to section 102 of the Act, Council must review its class 4 venue policy within three years of its adoption and within three years after each review.

### **3. TAB Venue Policy**

#### **3.1. Introduction and overview**

3.1.1. The purpose of the Racing Industry Act 2020 is:

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

3.1.2. The Act places responsibilities on territorial authorities to adopt a policy on TAB venues where race and sports betting may be conducted.

3.1.3. Section 65D of the Act details what the policy may include. The policy must specify whether or not new TAB venues may be established in the territorial authority district and, if so, where they may be located.

3.1.4. In determining the policy, Council may have regard to any relevant matter, including:

- (i) the characteristics of the district and parts of the district;
- (ii) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
- (iii) the cumulative effects of additional opportunities for gambling in the district.

3.1.5. If the TAB New Zealand wishes to establish a TAB venue, it must apply to the Council for a territorial authority consent. The Council must consider the application in accordance with its TAB Venue Policy and then either grant or refuse a consent.

3.1.6. Any consent granted is permanent and cannot impose any conditions of operation of the venue. Venues are licensed and monitored by the Department of Internal Affairs.

#### **3.2. Definitions for TAB Venue Policy**

**TAB venue** means premises that are owned or leased by TAB New Zealand and where the main business carried on at the premises is providing racing betting or sports betting services under the Act

**the Act** means the Racing Industry Act 2020

### **3.3. Objectives of TAB Venue Policy**

3.3.1. The objectives of the TAB Venue Policy are to:

- (i) Control the growth of gambling in the Waikato district;
- (ii) Minimise the harm caused by gambling, including problem gambling in the Waikato district;
- (iii) Reflect the views of local communities in respect of the provision of gambling in the Waikato district.

### **3.4. Establishment of TAB venues in Waikato district**

3.4.1. Council may, in its discretion, permit a new TAB venue to be established in the Waikato district.

3.4.2. In considering an application for a TAB venue, Council shall have regard to any undertaking given by TAB New Zealand to remove TAB terminals (including self-service terminals) from hotels, clubs and/or pubs in the township in which the new TAB venue is proposed.

### **3.5. Location of TAB venues**

3.5.1 TAB venues shall be restricted to areas zoned under the Waikato District Plan to allow commercial activities as permitted activities.

### **3.6. Application Forms**

3.6.1. Applications for consent must be made on Council's approved form and must provide:

- (i) Name and address of TAB New Zealand;
- (ii) Contact details;
- (iii) Street address of the venue;
- (iv) A scale site plan showing the location of the venue.

### **3.7. Application Fees**

3.7.1. Application fees are set by Council resolution and include consideration of:

- (i) Processing TAB venue consent applications including any consultation and hearings involved;
- (ii) Reviewing Council's TAB Venue Policy.

### **3.8. Policy Review**

3.8.1. Pursuant to section 97 of the Act, Council must review its TAB Venue Policy within three years of its adoption and within three years after each review.