



Tasman District  
Council

## Gambling Venues Policy

28 November 2019

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## **1. PURPOSE**

- 1.1** The Council is required by the Gambling Act 2003 and the Racing Act 2003 to produce a policy that has regard to the social impact of gambling within the District. Since 2004 when Council produced its first policy on gambling, Tasman District Council has had a combined policy that covers both Class 4 venues (pursuant to section 101 of the Gambling Act 2003) and New Zealand Racing Board premises (pursuant to section 65D of the Racing Act 2003).

In establishing this policy, the Special Consultative Procedure under Section 83 of the Local Government Act 2002 and requirements of section 102 of the Gambling Act 2003 and section 65E of the Racing Act 2003 have been followed, with submissions being heard by the Environment and Planning Committee of Council on 6 November 2019.

At the meeting of 28 November 2019 the following motion was passed:

**Moved Deputy Mayor Bryant/Cr Wensley**

**That the Strategy and Policy Committee**

- 1) receives the Recommendation from Hearing Committee for acceptance of Draft Gambling Venues Policy 2019 Report RSAPCC19-11-2; and**
- 2) notes the formal consultation process was concluded at a hearing on 6 November 2019; and**
- 3) adopts the Gambling Venues Policy 2019 contained as “Attachment 3” of this report RSAPCC19-11-2; and**
- 4) agrees that the Gambling Venues Policy 2019 adopted in (3) above, shall come into effect immediately, and at that same time, the Tasman District Council Gambling Venues Policy September 2010 as reviewed in 2013 and 2016 shall be revoked; and**
- 5) instructs staff to provide the necessary notification of this outcome to all submitters, the New Zealand Racing Board, and all gaming societies operating class 4 venues in the district parties, the public, and to the Secretary for Internal Affairs; and**
- 6) instructs staff to make editorial changes to Section 1.1 of the Policy to accurately reflect resolution 3 and 4 above.**

**CARRIED**

## **2. OBJECTIVES OF THIS POLICY**

- 2.1** To minimise the harm to the community caused by gambling.
- 2.2** To allow those who wish to participate in gambling through class 4 gaming machines (pokies) or New Zealand Racing Board racing or sports betting to do so within existing venues.
- 2.3** To ensure that Council and the community have control over the provision of new gambling in Tasman District.
- 2.4** To control the number of class 4 gaming machines permitted in Tasman District.

- 2.5 Achieving the objective in 2.4 by imposing a sinking lid on the number of class 4 gaming machines that are licensed in Tasman District.
- 2.6 To refuse to grant consent to new class 4 venues or additional class 4 gaming machines to operate in existing venues in Tasman District.
- 2.7 To allow new gambling venues associated with New Zealand Racing Board stand-alone operations if such new venues are supported by Council on a case by case assessment.

### **3. RULES FOR “CLASS 4 VENUES” (PURSUANT TO THE GAMBLING ACT 2003)**

- 3.1 Council will not grant consent for the establishment of any additional class 4 venues.
- 3.2 Council will not grant consent for the establishment of any additional class 4 gaming machines in existing class 4 venues.
- 3.3 Council will not grant consent to allow the merger of two or more clubs which hold class 4 venue licences.
- 3.4 Council will not grant consent for the relocation of any class 4 venue licence.

### **4. APPLICATION FOR CONSENT FOR NEW ZEALAND RACING BOARD VENUES (PURSUANT TO THE RACING ACT 2003)**

- 4.1 Territorial authority consent, pursuant to section 65A of the Racing Act 2003, is required by the Racing Board if it wishes to operate a new Racing Board venue on which racing and sports betting operated by the New Zealand Racing Board is to be undertaken.
- 4.2 The territorial authority consent required by 4.1 of this policy shall be subject to the following criteria:
  - (a) meeting application and fee requirements;
  - (b) the proposed Racing Board venue shall have relevant staff training programme and gambling harm minimisation policy;
  - (c) applications for territorial authority consent for a Racing Board venue for racing and sports betting operated by the New Zealand Racing Board shall be advertised, with public submissions being accepted for a period of 10 working days from the date of publication, after which Council shall approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view;
  - (d) the primary activity of the Racing Board venue shall be for racing and sports betting operated by the New Zealand Racing Board, and be owned or leased

by the New Zealand Racing Board and used primarily for racing or sports betting; or be a racecourse;

- (e) operators of the proposed Racing Board venue must show that people under the age of 18 years have minimal access to the facility.

## **5. APPLICATIONS FOR NEW ZEALAND RACING BOARD VENUES**

**5.1** Must be made on the form defined in Appendix 3 of this policy and must provide:

- (a) evidence of a police clearance for owners and managers of the venue;
- (b) a copy of the proposed gambling harm minimisation policy and staff training programme;
- (c) a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- (d) name and contact details for the applicant;
- (e) street address of premises proposed;

**5.2** Once an application for territorial authority consent for a Racing Board venue for racing and sports betting operated by the New Zealand Racing Board has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council.

## **6. APPLICATION FEES**

**6.1** Any application for a territorial authority consent under Section 65B of the Racing Act 2003 shall be accompanied by the appropriate deposit and all fees due for the processing of the application must be paid before the territorial authority consent will issue.

## **7. EXPLANATION OF TERMS**

**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.

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

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

**Council:** means the Tasman District Council.

**Gaming societies:** are the organisations that own and operate gaming machines and make grants to non-profit community organisations. They are not the venue operators.

**Racing 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.

**Sinking Lid:** refers to the term used in Council's gambling venues policy that indicates a restriction on the establishment of new Class 4 venues, prohibiting as far as possible, gaming societies from increasing the number of machines in Tasman District and preventing venue operators from relocating (unless they wish to surrender their gaming machine licence).

**Territorial Authority:** is the term used in the Local Government Act 2002 to describe city and district councils.

**APPENDIX 1:**

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**Application for Territorial Authority Consent for a Board Venue**

FORM NUMBER: RG4 24 June 2019

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*[Pursuant to section 65B of the Racing Act 2003: Applies to new racing and sports betting venues.]*

**Section 1: Details of Applicant**

Full Name of applicant:

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Postal Address:

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Post Code:

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Contact Person:

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Phone:

E-mail:

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**Section 2: Details of Venue**

Name of Venue:

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Street Address:

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**Section 3: Information to be Provided with Application** *(Please tick box)*

- Site plan covering activities proposed for the venue
- Evidence of a police clearance for the owners and managers of the venue
- A copy of the proposed gambling harm minimisation policy and staff training programme
- Evidence that the venue is leased or owned by the New Zealand Racing Board or a racecourse.

**New Board Venues**

Once an application for territorial authority consent for a new venue has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council. If submissions are received, the Tasman District Council shall consider these and either approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view.

**Application Fees**

An application fee deposit of \$500.00 shall accompany any application. At the conclusion of the process when the application has been granted or declined, the applicant shall pay to Council such further fees necessary to cover the costs and disbursements of Council in processing the application. No such consent shall be issued by Council until all such fees have been paid.

**The information that has been given is hereby certified to be true and correct.**

Signature:

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Date: