

Papakura District Council Gambling Venue Policy

Background and context

The Gambling Act (previously the “Responsible Gambling Bill”) became law on the 18 September 2003. The Act gives territorial authorities limited powers in relation to gambling in their district. The vast majority of powers concerning gambling remain with the Department of Internal Affairs (DIA). Only the DIA have the power to revoke class 4 operator licenses.

Under the Act, territorial authorities are required to adopt a policy on class 4 venues for their district. Class 4 venues are defined in the Gambling Act to include any activity that involves the use of a gaming machine outside a casino. Class 4 gaming may only be conducted by a corporate society and only to raise money for authorised (community) purposes.

Section 101(3) provides that a territorial authority’s class 4 venue policy:

- a) 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*
- b) may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue.*

Not all class 4 gambling venues require council consent. Class 4 gambling venues licensed prior to 17 October 2001, and that have not ceased operations for any period longer than 6 months, do not require consent from the council to continue their operations provided they are not increasing the number of machines on their premises.

Class 4 gambling venues that do require council consent (refer section 98 of Gambling Act) are:

- a) Any Class 4 gambling venue that proposes to increase its number of machines from the number licensed; and*
- b) Any new class 4 venue that was not licensed on or prior to 17 October 2003; and*
- c) Any class 4 venue for whom their licence has lapsed for 6 months, and*
- d) Any class 4 venue that holds a licence granted after 17 October 2001 and before 19 September 2003. (Note: there are no such venues in Papakura.)*

The Gambling Act also amended the Racing Act 2003 to require that territorial authorities adopt a board venue policy for the district. The policy must specify whether new New Zealand Racing Board venues (previously known as and commonly referred to as stand alone TAB agencies) may be established in the city, and if so, where they may be located. The policy does not extend to other venues, such as clubs and hotels, where TAB betting services are provided.

The Papakura District Council gambling venue policy covers both class 4 venues and New Zealand Racing Board venues.

Part 1 - Objectives of the Gambling Venue Policy

- 1.1 To control the growth of gambling in Papakura District.
- 1.2 To minimise the harm caused by gambling in Papakura District, including problem gambling
- 1.3 To protect funds currently raised by gambling and distributed to communities within Papakura District

Part 2 - Class 4 Venue Policy

This Class 4 Venue policy is adopted by the Council in accordance with section 101 and 102 of the Gambling Act 2003

2.0 All class 4 gambling venues that require council consent must:

- 2.1 Be a premise licensed under the Sale of Liquor Act 1989 with a restricted designation or a tavern or club license (with the exception of New Zealand Racing Board venues)
- 2.2 Comply with the relevant district plan provisions and any relevant Papakura District Council Bylaws.
- 2.3 Comply with fee and application requirements
- 2.4 Comply with the maximum number of machines allowed per premise as stipulated in 4.1 and 4.2.

3.0 Policy for new class 4 gambling venues

The Council will consent to a new class 4 venue being established in Papakura District only if:

- 3.1 The establishment of a new class 4 gambling venue will not result in an increase of the total number of class 4 gambling machines operating in Papakura District as at 22 September 2003 (229 machines – sourced from Internal Affairs records). No new class 4 gambling venues will be consented to unless there has been a reduction in machine numbers; and
- 3.3 The number of machines in the venue does not exceed nine machines.
- 3.4 The venue complies with the relevant district plan provisions and any relevant Papakura District Council Bylaws.
- 3.6 The relevant fee and application requirements are complied with.

4.0 Number of electronic gaming machines to be operated at class 4 gambling venues

- 4.1 The Council will not consent to an increase in the number of machines in an existing class 4 venue (being the total number of gaming machines authorised by licences in the Papakura District as at 22 September 2003.)

- 4.2 The Council will only consent to new class 4 venues operating to a maximum of the number of machines that, when added to all other machines in the Papakura District, maintains the total machine numbers at 229 machines or nine machines, whichever number is the lowest.

5.0 Clubs and ministerial discretion

Council will not consent to clubs with class 4 licenses seeking Ministerial discretion under section 95 and 96 of the Act. That is, Council will not consent to clubs with class 4 licenses operating more than the statutory maximum number of machines. For the purposes of this policy, clubs with class 4 licenses must comply with the Council's class 4 venue policy in Part 1 of the Gambling Venue Policy.

Part 3 - New Zealand Racing Board Venue Policy

The following policy on New Zealand Racing Board venues is adopted by the Council in accordance with section 65D of the Racing Act 2003.

The New Zealand Racing Industry Board and the Totaliser Agency Board (TAB) have been abolished by the Gambling Act 2003. This policy applies to all venues operated by the New Zealand Racing Board and to those venues previously operated by the New Zealand Racing Industry Board or the Totaliser Agency Board (TAB).

6.0 NZ Racing Board venues with electronic gambling machines

- 6.1 New Zealand Racing Board Venues with electronic gambling machines are a class 4 venue for the purposes of this policy and must comply with the Council's class 4 venue policy in Part 1 of the Gambling Venue Policy, with the exception of liquor license requirements as outlined in 2.1.

7.0 New Zealand Racing Board Venues without electronic gambling machines

- 7.1 No increase in the number of New Zealand Racing Board venues, beyond the number existing at the date this policy is adopted, will be allowed.
- 7.2 New Zealand Racing Board Venues without electronic gambling machines, and existing at the commencement of the Gambling Act 2003, do not require council consent.
- 7.3 New Zealand Board venues without electronic gambling machines that are proposed to be established must:
- 7.3.1 Comply with the relevant district plan provisions and any relevant Papakura District Council Bylaws.
 - 7.3.2 Comply with fee and application requirements

Part 4 – Fee and application requirements

8.0 Consent applications

Applications for Papakura District Council consent must include:

- 8.1. Name and contact details of the applicant, trust and trustees

- 8.2. Street address of premises proposed
- 8.3. Evidence that the primary purpose of the venue is not gambling (excludes all New Zealand Racing Board venues)
- 8.4 A site plan covering both gambling and other activities
- 8.5 Copy of current liquor license that illustrated compliance with section 2.1 (excludes all New Zealand Racing Board venues)
- 8.7 The number of electronic gaming machines being proposed for the premise
- 8.8 Certificate of compliance or a copy of the resource consent to undertake the activity proposed.

9.0 Application Fees

These will be set by the Papakura District Council from time to time, pursuant to Section 150 of the Local Government Act 2002, and shall include consideration of:

- 9.1 The cost of processing the application.

10.0 Decision Making

- 10.1 The Council has 30 working days to determine the consent application
- 10.2 That determination will be made at an officer level (delegated authority) and be based against the criteria detailed within this policy
- 10.3 On matters of discretion or interpretation, the officer will take into consideration:
 - 10.3.1 The objectives of this policy
 - 10.3.2 The intent of the specific rule within this policy
 - 10.3.3 The objectives of the Gambling Act 2003

11.0 Review of Policy

- 11.1 This policy will be reviewed at least triennially.