

# Class 4 Gambling and TAB Venue Policy

Kaupapa Here Petipeti – Momo whā

## OVERVIEW | *Whakarāpopototaka*

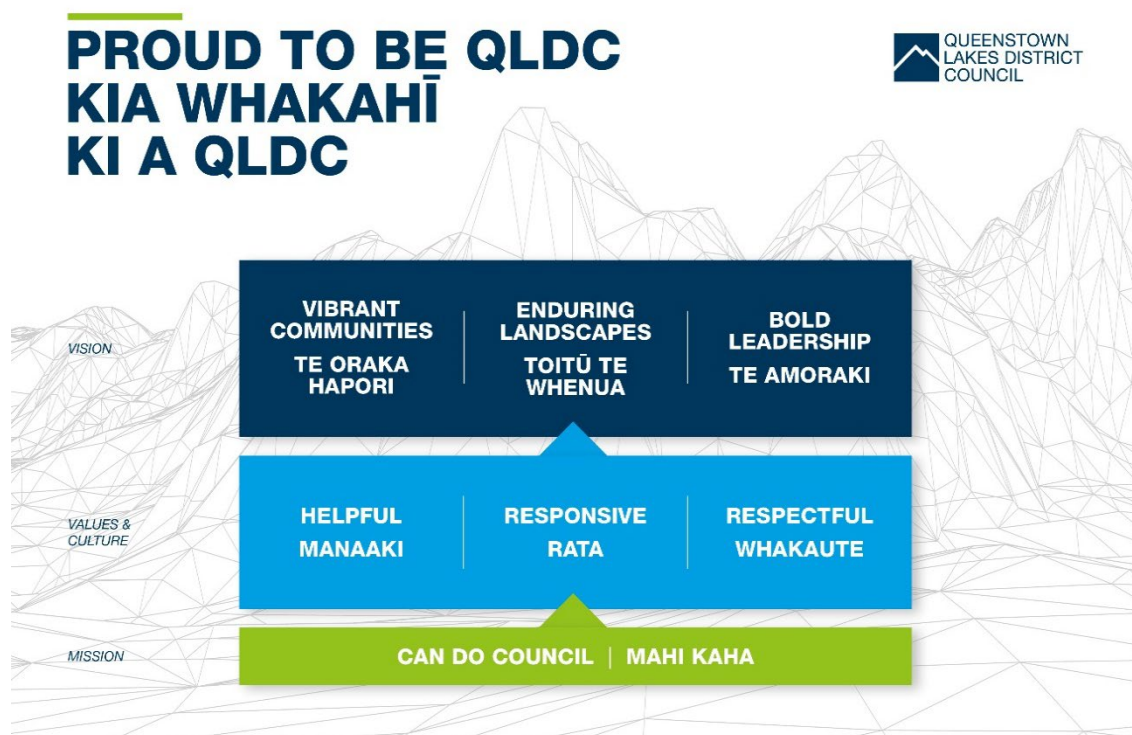
This Class 4 Gambling and TAB Venue Policy (the Gambling Policy) aims to provide an informative reference document for applicants, the community, and Council staff.

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## 1 INTRODUCTION | *Whakatakika*

We aspire to be a community that holds true to the values that collectively define what is unique about Queenstown Lakes District – our home. Our mission, values and culture, and vision are reflected below:



### 1.1 WHAT DOES QUEENSTOWN LAKES DISTRICT COUNCIL (QLDC) DO?

QLDC is responsible for the administration and regulation of a wide range of functions across the District. These functions and QLDC's duties are provided for by a suite of legislation and include promoting, monitoring and enforcement.

The purpose of these functions is to protect the public, the environment and community groups.

The relevant legislation includes:

- Local Government Act 2002 (LGA)
- Resource Management Act 1991 (RMA)
- Building Act 2004 (BA04)
- Sale and Supply of Alcohol Act 2012 (SSAA)
- Bylaws, Council Plans and Regulations
- Racing Industry Act 2020 (RA)
- Gambling Act 2003 (GA)

## 1.2 PURPOSE OF THE POLICY

- Limit the opportunities for gambling in the community.
- Manage the impacts of gambling in the community.

## 1.3 BACKGROUND

Territorial authorities are required to adopt and review a gaming venue policy. The policy must state whether class 4 gaming venues or TAB venues can be established in an area and if so, where.

This sets out the general principles that guide QLDC, applicants and the general public in relation to new and amendment gambling consents and balancing harm reduction requirements under the GA and RA.

The policy may include restrictions on a maximum number of EGM in a venue, whether or not to include a relocation policy and whether or not to restrict the number of EGM on one site should two or more clubs merge.

Councils obligations under sections 101 of the GA and 96 of the RA are:

### **101 Territorial authority must adopt class 4 venue policy**

- (1) A territorial authority must, within 6 months after the commencement of this section, adopt a policy on class 4 venues.
- (2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
- (3) The 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; and
  - (c) may include a relocation policy.
- (4) In determining its policy on whether class 4 venues may be established in the territorial authority district, where any venue may be located, and any restrictions on the maximum number of gaming machines that may be operated at venues, the territorial authority may have regard to any relevant matters, including:

- (a) the characteristics of the district and parts of the district:
  - (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:
  - (c) the number of gaming machines that should be permitted to operate at any venue or class of venue:
  - (d) the cumulative effects of additional opportunities for gambling in the district:
  - (e) how close any venue should be permitted to be to any other venue:
  - (f) what the primary activity at any venue should be.
- (5) A **relocation policy** is a policy setting out if and when the territorial authority will grant consent in respect of a venue within its district where the venue is intended to replace an existing venue (within the district) to which a class 4 venue licence applies (in which case section 97A applies).

## 96 Territorial authority must adopt TAB venue policy

- (1) A territorial authority must adopt a policy on TAB venues.
- (2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
- (3) 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.
- (4) In determining its policy on whether TAB venues may be established in the territorial district and where any TAB venues may be located, the territorial authority may have regard to any relevant matters, including—
  - (a) the characteristics of the district and parts of the district:
  - (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:
  - (c) the cumulative effects of additional opportunities for gambling in the district.

The two policy requirements are consolidated into the Class 4 Gambling and TAB Venue Policy.

Where a special consultative procedure is a requirement, section 83A of the LGA permits more than one special consultative procedure to be carried out at the same time.

The Department of Internal Affairs (DIA) regulate all gambling licences. As part of the gambling licence application process, societies seeking to establish a class 4 gambling venue or a TAB venue, must obtain consent from the local territorial authority in accordance with sections 98 of the GA and 95 of the RA.

## 1.4 OBJECTIVES

QLDCs principal objectives are:

- Prevent and minimise harm to the community caused by gambling.

- Control and manage the growth of gambling in the district.
- Restrict the locations of gambling venues within the district.
- Facilitate community involvement in decisions about the provision of gambling.
- Ensure that money from gambling benefits the community.
- Ensure QLDC and the community have an influence over the delivery and location of new gambling venues in the district.

## 2 INTERPRETATION | *Whakamaoritanga*

The following definitions are relevant to this policy:

**Chief executive** means the chief executive of the department for the time being responsible for the administration of the GA

**Class 4 gambling** has the meaning given by section 30 of the GA

**Class 4 venue** the GA categorises gambling activities according to their intensity and potential for harm. Class 4 gambling (non-casino gaming machines) is the highest risk form outside of a casino. Racing and sports betting, which are covered by the Racing Industry Act 2020, do not fall within this classification system.

**Gambling** has the meaning set out in section 4 of the GA

**Gaming machine** refers to class 4 non-casino gaming machine or Electronic Gaming Machine (EGM)

**Harm** has the meaning set out in section 4 of the GA

**Licensed premises** means any premises for which an alcohol licence is held

**Minister** means the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of the GA

**Relocation Policy** has the meaning set out in section 101(5) of the GA

**Residential area** means any residential area/s described under the Operative District Plan and Proposed District Plan within the Queenstown Lakes District

**Secretary** means the Secretary for Internal Affairs

**Society** is a Corporate Society as defined under the GA. It is a not-for-profit organisation that may undertake class 4 gambling

**TAB venue** means 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 under the RA



**Tavern** is defined under the Sale and Supply of Alcohol Act as a premises that principally provides alcohol and other refreshments to the public, but does not include an airport bar.

**Territorial authority –**

- (a) has the same meaning as in section 5(1) of the Local Government Act 2002; but
- (b) does not include the Minister of the Crown who is, for the time being, responsible for that Act

**Territorial authority consent** means consent granted by a territorial authority under section 100 of the GA and 95 of the RA.

**Working day** as defined under the LGA, **means any day of the week other than -**

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) the day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (d) a day in the period commencing with 20 December in any year and ending with 10 January in the following year.

### 3 STRATEGIC ALIGNMENT | *Te Whakarite Rautaki*

The Local Government (Community Well-being) Amendment Act 2020 amended the purpose of local government to promote the social, economic, environmental and cultural well-being of communities in the present and for the future. This policy has been written in alignment with the four wellbeing principles and QLDC's key strategic document, **Vision Beyond 2050**. In particular, the policy's objectives align with the vision statements of '**Thriving People**' whereby our services promote and support health and wellbeing for all, and '**Pride in Sharing our Places**'.

This policy also contributes to the following community outcomes as outlined in QLDC's Ten-Year Plan 2018-28:

- Appropriate public access; and
- Communities are inclusive for all.

### 4 VENUE CRITERIA | *Paearu Whare*

The provisions of this policy permit the establishment of class 4 gambling and TAB venues in the district under sections 101 of the GA and 96 of the RA.

The following criteria must be considered:

- Location
- Primary Activity of the Venue
- Other Considerations; and
- Maximum Permitted Electronic Gaming Machines

## 4.1 LOCATION

- Proposed new venues are not permitted in any residential zone.

The following may also be considered when assessing the location of gaming venues:

- Proposed new venues are not to be located within 50 metres or adjacent to any school, early childhood centres, Kindergartens, pre-schools, places of worship or any other community facilities.
- New venues are not to be located within 50 metres of an existing gambling venue so that the concentration of gambling venues in a particular location is limited.

## 4.2 PRIMARY ACTIVITY OF THE VENUE

New gambling venues may only be established if the primary activity of the venue is one of the following:

- A venue that holds a tavern style on-licence issued under the Sale and Supply of Alcohol Act.
- TAB venue as defined under section 5 of the Racing Industry Act 2020 and in the Interpretations section of this policy.

## 4.3 OTHER CONSIDERATIONS

QLDC must have regard to the social impact of gambling with the district and may have regard to the following:

- The cumulative effects of additional opportunities for gambling in the district.
- The activity of the venue must not be associated with family or children's activities.
- Electronic gaming machines (EGM) must not be visible from outside the licensed venue or visible to underage persons within the venue.
- Signage regarding gambling activity, such as the presence of gaming machines, prizes or jackpots gained from gaming machines must comply with relevant legislation, district plan guidelines and council bylaws.

## 4.4 MAXIMUM PERMITTED ELECTRONIC GAMBLING MACHINES (EGM'S)

Section 92 – 97A of the GA restricts the number of gaming machines a society can operate in a gambling venue.

Under a policy, these numbers can be restricted further. In the Queenstown Lakes District the following maximum numbers apply:

- All new Class 4 Gambling Venues may operate a maximum of no more than nine (9) gaming machines.
- Venues with a gambling licence issued after 17 October 2001 and operate less than nine (9) gaming machines may be permitted to increase that number to nine (9).
- Venues with a gambling licence issued on or before 17 October 2001 may be permitted to increase the number of gaming machines to 18.

## 5 CLUB VENUES | Kā Whare Rōpū

Section 95 of the GA permits societies that operate clubs for club purposes to merge if two or more of which hold class 4 venue licences.

Section 96 of the GA states that the society may apply to the Minister if a club seeks to operate up to 18 gaming machines at a venue after 17 October 2001.

## 6 VENUE RELOCATION | *Te Nuku Waahi*

When a relocation of class 4 gaming machines to another venue is sought under this relocation provision, the effects of the relocation are stated under section 97A of the GA as:

### **97A Effect of relocation**

- (1) This section applies when—
  - (a) a territorial authority has adopted a relocation policy (as defined in section 101(5)); and
  - (b) in accordance with that policy, the territorial authority grants consent in respect of a venue (the **new venue**) to replace an existing venue (the **old venue**); and
  - (c) a new class 4 venue licence is granted in respect of the new venue.
- (2) When this section applies,—
  - (a) the Secretary must cancel the class 4 venue licence that relates to the old venue, in which case—
    - (i) the cancellation takes effect on the date on which the new class 4 venue licence takes effect; and
    - (ii) there is no right of appeal against the cancellation; and
  - (b) despite section 100(1)(b)(i), the maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled; and
  - (c) for the purposes of this Act,—



- (i) if the old venue was a venue to which section 92 applied, the new venue must be treated as a venue to which section 92 applies; and
- (ii) the old venue must be treated as if no class 4 venue licence had ever been held by any society for that venue (which means that, under section 98, consent will be required for that venue if a class 4 venue licence is subsequently applied for in relation to it).

A relocation consent may be issued by QLDC in the following circumstances:

- The new venue is intending to replace an existing venue within the district;
- The new venue owner consents to the relocation;
- The current venue operator consents to the relocation; and
- The proposed new venue location meets all requirements set out in this policy.

## 7 APPLICATION | *Tono*

An application for territorial consent under sections 99 of the GA and 94 of the RA must be made on the approved form. An application must provide:

- Name and address details for the applicant society;
- Physical address of the proposed class 4 venue or TAB venue;
- The names of management staff trained on the gambling policy;
- Evidence of how the separation of gambling areas from non-gambling areas will be achieved;
- TAB venue: evidence that the proposed venue meets the definition of a TAB Venue;
- Class 4 venue: a copy of the current alcohol on-licence for the premises; and
- Landlord approval for gambling to take place on the proposed premises.

## 8 FEES | *Utu*

An application fee of \$500 must be paid at time the application is made to council. This fee will need to be set in accordance with the principles and procedures of Consultation set out under sections 82 and 83 of the Local Government Act 2002. This proposal to charge a fee, and the fee itself, is reasonable and defensible as it contributes to the following costs:

- The processing of an application;
- The triennially reviewing the Class 4 Gambling and TAB venue policy;
- The triennial assessments of the economic and social impact of gambling in the Queenstown Lakes District.

## 9 APPLICATION OUTCOME | *Putanga Tono*

Application for territorial consent is considered by the Community and Services Committee.

Under section 100(3) of the GA, the determination of a territorial consent must be provided to the applicant within 30 working days after the date of receipt of the application.

Under section 95(2) of the RA, the determination of a territorial consent must be provided to TAB NZ and the chief executive within 30 working days after the date of receipt of the application.

## 10 POLICY REVIEW REQUIREMENTS | *Hereka o te Arotake Kaupapa*

Once the Class 4 and TAB Gambling Venue Policy has been amended, replaced or adopted, a copy must be provided to the Secretary as stated under 102(4) of the GA and to TAB NZ and the chief executive as stated under 97(3) of the RA.

The policy is required to be reviewed every three years as stated under section 102(5) of the GA and 97(4) of the RA.

## 11 COMMENCEMENT OF POLICY | *Te Timatanga o Te Kaupapa Here*

The policy will take effect from the date of Council's resolution to adopt.

The Class 4 and TAB Gambling Venue Policy 2018 will be revoked on the adoption of this policy.