

# **Ashburton District Council Gambling Venue Policy (2010)**

**[Council 12/08/10]**

## **1. Introduction**

- 1.1 The Gambling Act 2003 and the Racing Act 2003 require territorial authorities to adopt a class 4 Gambling Venue Policy and a Board Venue Policy for its district. This Gambling Venue Policy covers both class 4 or “pokie” gambling, and New Zealand Racing Board (hereafter referred to as “Board”) gambling venues.
  - “Class 4 gambling venue” refers to a place where gaming machine (pokie machine) gambling can take place under the Gambling Act 2003.
  - “Board” gambling venue refers to a venue owned or leased, and operated, by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services as provided for in the Gambling Act 2003 and the Racing Act 2003.
- 1.2 The Gambling Venue Policy must be adopted in accordance with the requirements of the Gambling Act 2003 and the Racing Act 2003 and the policy development process must conform to the requirements of the special consultative procedure set out in the Local Government Act 2002.
- 1.3 The Gambling Venue Policy must be reviewed at least every three years, in accordance with the requirements of the Gambling Act 2003 and the Racing Act 2003 and the policy review process must conform to the requirements of the special consultative procedure set out in the Local Government Act 2002.
- 1.4 The Gambling Venue Policy will guide Council decisions on the issuing of class 4 gambling venue consents required for all new class 4 gambling venues and for existing venues seeking to increase the number of gaming machines operated at a particular venue.

## **2. Objectives of the Policy**

- 2.1 To ensure the council and the community has influence over the provision of new class 4 and Board gambling venues in the Ashburton District.
- 2.2 To enable the council and the community to influence the operation of existing class 4 and Board gambling venues in the Ashburton District.
- 2.3 To allow those who wish to participate in class 4 and horse and sports gambling to do so within the Ashburton District.
- 2.4 To minimise any potential negative social and economic impacts of class 4 and horse and sports gambling in the Ashburton District.
- 2.5 To ensure the Ashburton District community is able to maximise the benefits from class 4 gambling proceeds returned to the community.

## **3. Where New Zealand Racing Board venues may be established**

Board gambling venues may be established in Ashburton District subject to:

- 3.1 Meeting application and fee requirements set by the Council from time to time and by the relevant legislation administered by the Department of Internal Affairs;

- 3.2 The venue being controlled by the New Zealand Racing Board or a venue owned or leased, and operated by the New Zealand Racing Board for the purposes of race and sports betting;
- 3.3 The venue being located within a Business Zone of the Ashburton District Plan or otherwise permitted by way of resource consent;
- 3.4 All necessary resource consent(s) having been granted and complied with;
- 3.5 The venue not being one where the primary activity of the venue is associated with family or children's activities and is not on a site listed as a "designated site" within Appendix A.1 of the Ashburton District Plan.

#### **4. Where class 4 gambling venues may be established**

Class 4 gambling (pokie machine) venues may be established in Ashburton District subject to:

- 4.1 Meeting application and fee requirements set by the Council from time to time and by the relevant legislation administered by the Department of Internal Affairs;
- 4.2 The primary activity of the venue being for the sale of liquor or for liquor and food, and the location of gaming machines within the venue being in an area where under 18 year-olds do not have free access to; or the venue being a New Zealand Racing Board venue;
- 4.3 The venue being located within a Business Zone of the Ashburton District Plan or otherwise permitted by way of resource consent;
- 4.4 All necessary resource consent(s) having been granted and complied with;
- 4.5 The venue not being one where the primary activity of the venue is associated with family or children's activities and is not on a site listed as a "designated site" within Appendix A.1 of the Ashburton District Plan.

#### **5. Number of gaming (pokie) machines to be allowed at a venue**

- 5.1 New class 4 gambling venues shall be permitted a maximum of 5 gaming machines; unless the consent conditions are being transferred from an existing venue under section 6 of this policy.
- 5.2 Existing class 4 gambling venues with a license issued before 17 October 2001 and operating more than 9 gaming machines on 22 September 2003 shall be permitted a maximum of 18 gaming machines.
- 5.3 Existing class 4 gambling venues and operating 7 or less gaming machines on 22 September 2003, shall be permitted a maximum of 7 machines. (See note below).
- 5.4 No venue may, under any circumstances, operate more than 18 gaming machines.

Note: No existing class 4 gambling venues in Ashburton District were operating 8 machines on 22 September 2003, therefore section 5.3 does not reduce the number of machines permitted for any existing operators.

## **6. Transfer of existing class 4 gambling venue conditions**

- 6.1 Where an existing class 4 gambling venue is ceasing to operate, the Council may, at its own discretion, allow the transfer of existing venue conditions to another location(s) that meets the requirements of this policy.
- 6.2 Generally the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:
  - The existing physical venue must be ceasing to operate as licensed premises;
  - The new venue(s) must be in a similar geographic location as the existing venue. Venues will not be allowed to move from one town (e.g. Ashburton, Methven, Rakaia) within the District to another town under this provision;
  - The new venue(s) must be operated by the same corporate society operating the existing venue;
  - The new venue(s) will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003;
  - The merging of existing venue conditions and transferred venue conditions is not permitted.
- 6.3 No venue will, under any circumstances, be permitted to operate more than 18 gaming machines at a single venue.
- 6.4 A Gambling Venue Consent Fee, as detailed in section 7 of this Policy, is applicable for each venue application.

## **7. Applications and Fees**

- 7.1 Applications for Ashburton District Council territorial authority consent must be made on the approved form and must provide all the information requested.
- 7.2 A venue consent application will require payment of a fee. The fee will be known as the Gambling Venue Consent Fee, and the amount will be specified in Council's schedule of fees. The Gambling Venue Consent Fee must be paid prior to the consent being processed and is not refundable.
- 7.3 The Gambling Venue Consent Fee will be set by Ashburton District Council from time to time, and may include consideration for:
  - a. the cost of processing the application;
  - b. the cost of inspecting gambling venues on a regular basis to ensure compliance with consent conditions;
  - c. a contribution towards the cost of a triennial assessment of the social impacts of gambling in Ashburton District and the review of Council's Gambling Venue Policy.
  - d. Any other matters prescribed in the Local Government Act 2002 relating to the setting of fees by a Council.

## **8. Decision Making**

- 8.1 Council has 30 working days in which to determine a consent application upon receiving a complete consent application containing all required information, and receipt of the full application fee.
- 8.2 Decisions will be made at officer level under appropriate delegated authority and be based on the criteria detailed in this policy. Any decision may be referred to a panel of Council's Environmental Services Committee for a final decision at the officer's discretion.

- 8.3 Where a decision made at officer level is objected to by the applicant there will be the opportunity for the applicant to present a submission to a panel of Council's Environmental Services Committee for review and a final decision.

## **9. Monitoring and Review**

- 9.1 Council will review the policy within three years of its adoption.
- 9.2 Council will monitor the social and economic impacts of gambling on the community as part of the policy review process.
- 9.3 Any review or amendment of the policy, including the setting of fees, will be undertaken in accordance with the special consultative procedure prescribed in the Local Government Act 2002.
- 9.4 Council reserves the right to introduce bylaws it deems necessary to control signage, advertising and visibility of machines issues; which may not be considered to be sufficiently covered by the Gambling Act 2003 regulations.
- 9.5 Council may amend this policy at any time within the three-year policy review cycle using the special consultative procedure prescribed in the Local Government Act 2002.

## **10. Commencement of Policy**

- 10.1 The policy will take effect from the day after its adoption by Council.

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### **Policy Principles**

The following principles have guided the development of the Ashburton District Council "Gambling Venue Policy".

1. Gambling is a popular and legitimate form of entertainment. Council believes class 4 gambling is entertainment that the majority of people who choose to can enjoy in a responsible and safe manner.
2. Problem gambling can result in significant negative social and economic impacts. While the majority of people are able to enjoy gambling as entertainment some people will develop gambling problems, some of which will be serious for the individuals affected, their families and friends and for the community as a whole.
3. Venue operators and corporate societies have the ultimate responsibility to ensure harm minimisation processes are developed and implemented to minimise the potential negative effects of problem gambling. Council will seek to encourage a responsible approach to gambling and will support these initiatives where appropriate.
4. A combination of market forces and regulation is likely to produce the best outcomes for the District. The "market" has a role to play in the evolution of the gaming environment in the District. Gambling is, like all other parts of the entertainment sector, a dynamic industry. Council does not believe prohibiting new entrants from entering the market will produce the best outcomes for the District.

Imposing some controls on class 4 gambling within the District is likely to result in fewer venues and fewer gaming machines. Council supports in principle the problem-gambling

sector's desire for fewer gambling venues and will advocate for legislative change that will enable this to be possible in ways that do not significantly affect important community funding streams.

5. The allocation of community funding generated through class 4 gambling should, wherever possible, benefit the community that generated the funds. Council favours a "whole-of-district" approach to dispersing gambling proceeds and will encourage this approach where appropriate.