

## **CLASS 4 GAMBLING AND TOTALISATOR AGENCY BOARD (TAB) VENUE POLICY**

Source:	Council		
Date:	23/09/2009		
Reviewed:	30/06/2015	Next review:	30/06/2018
See also:	Gambling Act 2003, Racing Act 2003		

### **PURPOSE**

To manage the establishment of Class 4 gambling and TAB venues to minimise the adverse effects of gambling on the Buller district.

### **BACKGROUND**

This policy applies to Class 4 and Totalisator Agency Board (TAB) gambling, and to Class 4 gambling and TAB venues.

*Class 4 gambling* is gambling that involves the use of gaming machines outside a casino, and from which the profits are distributed to authorised purposes (i.e. back to the community).

*Class 4 venues* are the licenced premises where gaming machines are located.

*TAB venues* are premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

## **COUNCIL CONSENT FOR CLASS 4 GAMING MACHINES AND TAB VENUES**

Consent is required from Council for the following:

- To establish a new Class 4 venue.
- To increase the number of gaming machines at an existing Class 4 venue to more than the number operating at that venue on 22 September 2003, or more than the number previously consented to by Council.
- To establish a new TAB venue.
- The first time application is made to the Department of Internal Affairs for a Class 4 venue licence for a venue which did not hold such a licence on 17 October 2001.

Any building which holds a venue consent and which is destroyed or damaged by fire or other hazard may have that consent re-approved without further public notification. Such re-approval will not apply to any relocation of venue.

### **KEY ISSUE ONE**

There are some recognised benefits from allowing Class 4 and TAB gambling. A number of community groups rely on funding from the proceeds of Class 4 gambling. Some members of the community derive entertainment from these forms of gambling, and participate in them responsibly.

### **OBJECTIVE**

To allow those who wish to participate in gaming machine and TAB gambling to do so within the district.

### **POLICY**

Class 4 gambling venues and TAB venues may be established in Buller subject to:

1. Meeting application and fee requirements;
2. The primary activity of the premises being onsite entertainment, recreation, or leisure focused on persons 18 years and over; and

3. The premises being authorised under the Sale and Supply of Alcohol Act 2012 to sell and supply liquor for consumption on the premises.

## **METHOD OF IMPLEMENTATION**

Applications for Council consent must be on the approved form and must provide:

1. Name and contact details for the application;
2. Street address of premises proposed for the venue;
3. A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue and location of each gaming machine or TAB;
4. Details of the proposal including the number of gaming machines or other gambling facility;
5. Details of liquor licence(s) applying to the premises; and
6. Any relevant gambling harm minimisation policy.

Application fees for territorial authority consent will be set annually as part of the Annual Plan process.

The applicant is responsible for meeting the cost of publicly notifying the application.

Applications will not be considered until all of the required information has been received and the application fee has been paid. Council may request additional information if it considers it necessary to making a decision on an application.

## **EXPLANATION/REASONS**

By allowing Class 4 and TAB venues to establish in Buller, we are allowing those who wish to participate in these types of gambling to do so.

By specifying the types of premises which are suitable to be Class 4 and TAB venues, and by requiring applicants for consent to provide detailed information about their proposal

before a decision is made on their consent allows us to minimise the potential for adverse effects arising from gambling.

## **KEY ISSUE TWO**

There is the potential for gambling to cause harm to individuals, and the community as a whole, especially in cases of problem gambling.

## **OBJECTIVE**

To prevent and minimise the harm caused by gambling, including problem gambling.

## **POLICY**

The maximum number of gaming machines allowed at Class 4 venues are as follows:

- Class 4 gambling venues licenced after 17 October 2001 shall be allowed a maximum of nine gaming machines.
- Class 4 gambling venues licenced before 17 October 2001 shall be allowed a maximum of 18 gaming machines.

## **METHODS OF IMPLEMENTATION**

No single venue will be allowed to exceed the maximum number of gaming machines.

When considering an application for consent, Council will have regard to the characteristics of the venue and may impose a maximum number on the consent that is less than the applicable maximum number above.

## **EXPLANATION/REASONS**

Restricting the number of gaming machines that may operate in the district limits the opportunities people have to gamble. Limiting gambling opportunities will help prevent and minimise harm from gambling.

Restricting the types of venues which can be Class 4 venues will assist in the identification of problem gamblers, as they will become recognisable to venue staff. Identifying that somebody has a gambling problem is the first step in preventing harm caused by problem gambling.

### **KEY ISSUE THREE**

Council has a responsibility under the Gambling Act 2003 and the Racing Act 2003 with regards to the provision of Class 4 gambling and TAB venues in the district.

### **OBJECTIVE**

To ensure the Council and the community has influence over the provision of new gambling venues within the district and additional opportunities for gambling at existing venues.

### **POLICY**

In considering all applications relating to Class 4 gambling venues Council may consider any matter, but will consider the following:

- (i) Characteristics of the district and parts of the district.
- (ii) Locations of kindergartens, early childhood centres, schools, places of worship and other community facilities.
- (iii) The number of gaming machines that should be permitted at any venue.
- (iv) The cumulative effects of additional opportunities for gambling in the district.
- (v) How close any venue shall be permitted to any other venue.
- (vi) What the primary activity at any venue is.

In considering all applications relating to TAB venues Council may consider any matter, but will consider the following:

- (i) Characteristics of the district and parts of the district.
- (ii) Locations 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.

## **METHODS OF IMPLEMENTATION**

The decision on Council consents will be made by full Council following a hearing at which the applicant and everybody who has made a written submission on the application will have the opportunity to be heard.

When considering the cumulative effects of additional opportunities for gambling in the district for Class 4 venues, Council will take into account both the number of gaming machines currently operating, and the number of gaming machines currently able to operate.

## **EXPLANATION/REASONS**

Ensuring Council considers the listed matters when determining all applications for consent will help ensure that Council has influence over the establishment of new Class 4 venues and over the provision of additional gaming machines at existing venues, when the resulting number of machines will be greater than the number the venue is currently able to operate.

This will also help ensure that Council exercises its influence consistently across all applications for consent.

Requiring that consideration be given to public submissions, both written and as presented at hearings, will help ensure that the views of the community are taken into account when Council makes decisions on consents.

## **KEY ISSUE FOUR**

The impacts of both the benefits and the harm resulting from gambling are felt by the community.

## **OBJECTIVE**

To facilitate community involvement in decisions about the provision of gambling.

## **POLICY**

All applications for Council consent will be available for public submission.

Submitters will have the opportunity to speak to their submission at the hearing of the consent application.

In making their decision Council will give consideration to all submissions received.

## **METHODS OF IMPLEMENTATION**

All applications will be twice publicly notified in a newspaper circulating in the area to which the application relates. Notifications will be placed at least seven days apart, but no more than 14 days apart. Council staff will be responsible for placing the public notifications.

The public notifications will advise people of the opportunity to make a written submission on the application.

Copies of the application will be made available at Council offices, Buller libraries and on Council's website. Information will be included on the opportunity to make a written submission.

## **EXPLANATIONS/REASONS**

Community feelings on gambling range from full support to total opposition.

Supporters of gambling often note the following benefits:

- The money distributed to community groups and organisations from the proceeds of Class 4 gambling.
- The entertainment value of responsible gambling.

Opponents of gambling often note the following harmful effects of gambling:

- The amount of money spent and lost by gamblers.
- Problem gambling and the impact this has on the life of the gambler, their family and the community as a whole.

Giving all members of the community the opportunity to comment on applications for consent to create additional gambling opportunities will help ensure that the full range of opinions and issues are heard and taken into account when Council makes its decision on an application.