

RDC making a positive difference

Rodney District Gambling Venue Policy May 2004 (Revised May 2010)

Introduction

On 19 September 2003, the new Gambling Act came into effect. The purpose of the Gambling Act is to control gambling, prevent and minimise harm, facilitate responsible gambling, ensure integrity and fairness, limit opportunities for crime and dishonesty, ensure that money from gambling benefits the community and *facilitate community involvement in decisions about the provision of gambling.*

The Act also amended the Racing Act 2003. The Rodney District Council is now required to prepare policies on 'Class 4' gambling under the Gambling Act and 'Board' venues under the Racing Act.

What are Class 4 and Board venues?

Class 4 gambling is gambling:

- That uses or involves a gaming machine;
- Where the proceeds are distributed for authorised purposes;
- Where no commission is paid to, or received by, a person for conducting the gambling;
- That satisfies relevant game rules.

A 'Class 4' venue is a place that conducts Class 4 gambling.

'Board' venues (also known as TABs) are premises owned or leased by the New Zealand Racing Board where the main business is race or sports betting.

Local Council Requirements

Each council must adopt 'Class 4' and 'Board' venue policies which:

- Must specify whether or not Class 4 and Board venues may be established in its area, and if so, where they may be located; and
- May specify any restrictions on the maximum number of gaming machines that may be operated at a Class 4 venue.

**This policy fulfils the requirements of the
Gambling Act 2003 and the Racing Act 2003**

In developing each policy, the Council must have regard to the social impacts of gambling. For the purposes of simplicity, the Rodney District Council has combined the two policies to create a **Gambling Venue Policy**.

The Council must consider applications from gambling societies or trusts for council consent in accordance with its policy, and decide whether to grant the consent, which must be decided within 30 working days. A society requires consent to:

- Increase the number of gambling machines at a venue
- Start operating gambling machines at a new venue
- Continue operating gambling machines at a venue licenced between 17 October 2001 and 19 September 2003.
- Apply for Ministerial discretion to merge or increase the number of machines beyond nine, in the case of a club.

A gambling venue must have council consent in order to apply for a licence from the Department of Internal Affairs.

Gambling in Rodney District

According to the Department of Internal Affairs the Rodney District had 39 Class 4 gambling venues and 432 machines as at September 2003. This equates to one machine for every 178 residents, which was lower than the national average. While there were 8 TAB outlets in the district, there were no 'standalone' TABs at that point. These are the only types of TABs that the Council can address in its policy, other than those that also have Class 4 gambling.

The Social Impact of Gambling

As part of the development and triennial review of its venue policy, the Council will commission Social impact Assessment of Gambling in the District. The key findings from the latest assessment included:

- High concentrations of machines are most likely to be found in areas of high deprivation, low income, older-aged persons and pacific ethnic populations. Fewer occur in areas with more Maori.
- Of the \$3.5 million in grants distributed to the Rodney District in 2008-09 approximately 22% goes to sports and physical activities, 27% to community groups or services and 11% to education.
- Of the problem gamblers in Rodney, it is estimated that 75% of males and 50% of females identify non-casino gambling machines (pokies) as their primary mode of gambling.
- Greater accessibility is generally associated with increased gambling, increased numbers of problem gamblers and increased community harm.

Other issues raised by Rodney community members and the gambling industry to date include;

- The accessibility and visibility of gambling machines
- Problem gambling in the district
- Transparency of community grant funding
- Distribution of community grant funding in the district
- Host responsibility of gambling venues
- Control over gambling machines
- Council monitoring of gambling statistics.

Explanation of Terms

Board venue – premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing race betting or sports betting services under this Act.

Class 4 Gambling -

- (a) gambling that is not gambling of another class and that satisfies the following criteria:
 - (i) the net proceeds from the gambling are applied to or distributed for authorised purposes;
 - (ii) no commission is paid to, or received by, a person for conducting the gambling;
 - (iii) the gambling satisfies relevant game rules; and
- (b) gambling that utilises or involves a gambling machine; or
- (c) gambling categorised by the Secretary as class 4 gambling.

Class 4 Venue – means a place used to conduct class 4 gambling.

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

District Plan – means the Rodney District Operative District Plan 1993, the Rodney District Proposed District Plan 2000, or any succeeding district plan prepared under the provisions of the Resource Management Act 1991.

Gambling Machine –

- (a) means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling; and
- (b) includes a device for gambling that is conducted partly by a machine and partly by other means; and
- (c) includes a device, or type of device, that is declared to be a gambling machine by regulations made under section 368 of the Gambling Act 2003; but
- (d) does not include –
 - (i) a device used only to draw a lottery
 - (ii) a random selection device used in a game of housie; or
 - (iii) a device used only to dispense tickets that is not capable of being used to decide the outcome of gambling; or
 - (iv) a communication device that is used both to dispense tickets and draw a lottery that is a sales promotion scheme; and
- (e) does not include a device, or type of device, that is declared not to be a gambling machine by regulations made under section 368 of the Gambling Act 2003; and
- (f) does not include a device operated by the Lotteries Commission.

Residential Zone – means any land with a residential zoning in the District Plan.

Society - means an association of persons established and conducted entirely for purposes other than commercial purposes.

Rodney District Gambling Venue Policy - Class 4 Venues

1. Objectives of the Policy

- To control the growth of gambling in the district while continuing to provide opportunities for recreational gambling;
- To encourage responsible gambling in the district and prevent and minimise the harm caused by gambling, including problem gambling; and
- To facilitate community involvement in decisions about the provision of gambling.

2. General Conditions

A society requires Council consent in respect of a Class 4 venue to;

- (a) increase the number of gambling machines that may be operated at such a venue;
- (b) start operating gambling machines at such a venue that was not on any society's licence within the previous six months;
- (c) start operating gambling machines at such a venue for which a licence was not held on a date after 17 October 2001 and before 19 September 2003; and
- (d) continue operating gambling machines at such a venue for which a licence was held on a date after the 17 October 2001 and before 19 September 2003.

3. Overall Cap on Number of Venues in the District

- The number of venues operated within the district shall not exceed the number operating on 19 September 2003 when the Gambling Act received its royal assent.
- However, where a society surrenders or otherwise ceases to hold its Class 4 venue licence in relation to a particular venue, a licence may be granted to that society or another society in relation to a different venue.
- The Council will only issue consent for a new venue if it is satisfied that the existing venue licence has been extinguished. Once the Council is satisfied that a licence has been extinguished, the opportunity for a new venue licence will be notified and applications assessed, at its discretion, following consideration of the following criteria:
 - The decile score of the township in which the venue is proposed (from the New Zealand Deprivation Index);
 - The existing machine per person ratio of the township in which the venue is proposed
 - The location of the proposed venue in relation to existing venues

If two or more applicants are received which are equally ranked, a ballot system may be used to select the appropriate venue.

4. Numbers of Gambling Machines to be Allowed

- New venues shall be allowed a maximum of 6 gambling machines.
- Existing venues with licences issued after 17 October 2001 and prior to 19 September 2003 shall be allowed to maintain the same number of gambling machines operating at the venue.
- Existing venues with licences to operate fewer than 6 machines shall be allowed to increase the number of machines operated at the venue to 6.
- Where venues are relocating to new premises on the same property, the Council will give consent to operate the same number of machines.

Clubs and Ministerial Discretion (Merging of Clubs and Increasing of Machine Numbers)

The Council will not provide consent under sections 95(1)(f) (merging of clubs) or 96(1)(e) (increasing of machine numbers) of the Gambling Act 2003 to any applications by clubs with Class 4 licenses seeking Ministerial discretion to increase the number of gambling machines permitted at a venue beyond the number that would have been permitted under section 4 of this policy.

5. Where Class 4 Venues may be Established

Class 4 gambling venues operating prior to the 19th September 2003 are exempt from these rules.

Class 4 gambling venues may be established subject to:

- (i) meeting application and fee requirements;
- (ii) the number of gambling machines proposed for the venue being able to be met within the overall district cap (maximum) on venue licences;
- (iii) being no closer than 50 metres of a residential zone;
- (iv) having an on-licence or club liquor licence
- (v) meeting the District Plan's and other relevant policy requirements

6. Primary Activity

- The primary activity at a Class 4 venue should not be:
 - (a) Gambling machines: or
 - (b) Activities designated primarily for family and children: or
 - (c) Restaurants

Class 4 gambling venues operating prior to the 19th September 2003 are exempt from these rules.

- Class 4 venues (excluding Board venues) licensed after 18 October 2001 require an on- or Club- liquor licence as a condition of Council consent.

7. Applications

Applications for Council consent for a new Class 4 gambling venue must be made on the approved form and must provide:

- (i) name and contact details for the application;
- (ii) street address of premises proposed for the Class 4 licence;
- (iii) the names of management staff;
- (iv) consent of the venue operator for the society to apply for consent;
- (v) a site plan describing both the gambling and other activities proposed for the venue, including details of each floor of the venue;
- (vi) a statement of the primary activity occurring on the site;
- (vii) details of liquor licence(s) applying to the premises (if any);
- (viii) the reason for applying for the venue.

8. Application & Processing Fees

Application fees have been set by the Council at \$360 and includes the cost of processing the application.

9. Policy Review Period

This policy shall initially be reviewed in two years time, and at least once every three years after the first review. The Rodney District Council may review this policy as a result of the Council's findings regarding the impact of gambling.

10. Other Requirements

The restrictions continued in the Gambling Act and Racing Act are additional to RMA 1991, Rodney District Council bylaws and other statutory requirements.

Rodney District Gambling Venue Policy - New Zealand Racing Board Venues

1. Objectives of the Policy

- To control the growth of gambling in the district while continuing to provide opportunities for recreational gambling;
- To encourage responsible gambling in the district and prevent and minimise the harm caused by gambling, including problem gambling; and
- To facilitate community involvement in decisions about the provision of gambling.

2. General Conditions

The New Zealand Racing Board requires the consent of the Council if it proposes to establish a Board venue.

Board venues with Class 4 gambling machines are a Class 4 venue for the purposes of this policy and must comply with the Class 4 venue policy.

3. Number of Board Venues in the District

No limit will be imposed on the number of standalone Board venues.

Note: for the purposes of this policy, standalone Board venues with Class 4 machines are to be considered as Class 4 venues and subjected to the Class 4 venue policy.

4. Where Board Venues may be Established

Board outlets may be established, subject to:

- (i) meeting application and fee requirements; and
- (ii) being no closer than 50 metres of a residential zone; and
- (iii) meeting the District Plan's and other relevant policy requirements.

5. Applications

Applications for Council consent for a new Board venue must be made on the approved form and must provide:

- (i) name and contact details for the application;
- (ii) street address of premises proposed for the Board venue licence;
- (iii) the names of management staff;
- (iv) a site plan covering both the gambling and other activities proposed for the venue, including details of each floor of the venue; and
- (v) a statement of the primary activity occurring on the site.

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