

# South Waikato District Gambling Class 4 and TAB Venue POLICY

## South Waikato District Gambling Class 4 and TAB Venue Policy



Record number:	DocSet ID number - 453742	
Version number:	8	
Approval Date/Resolution Number:	05 May 2022	RES 22/98
Responsibility:	Manager Environmental Health	
Next review date:	05 May 2025	
Historic revision dates:	2007 (C07/09), 2010 (10/102), 2013 (13/218), 2018 (18/209)	
Review frequency:	Every three years, or when required	
Approval authority:	Council	
Consultation required:	Yes – under Special Consultative Procedure under section 83 of the Local Government Act 2002	

### Purpose

The purpose of this assignment is:

- To support the purpose and intent of the Gambling Act 2003, the Gambling (Gambling Harm Reduction) Amendment Act 2013 and the Racing Industry Act 2020.
- In accordance with the aforementioned statutes, to control the growth of gambling in the South Waikato thereby minimising harm caused by gambling.
- To control and further limit the number of class 4 venues as well as the number of gaming machines.
- Specifically, to reduce the number of venues and machines throughout the district by way of sinking lid regime.
- To contribute to the minimisation of harm caused by gambling, including problem gambling, in South Waikato District.
- To avoid additional concentrations of gambling venues within the district.
- To facilitate community access to information about the distribution and operations of class 4 venues within the district.
- To provide registered corporate societies which manage class 4 and TAB venues in South Waikato District with opportunities to generate funds for the purposes of distribution for local, regional and national community benefit.
- To enable people who are entitled to participate in class 4 and TAB gambling in South Waikato District to do so.
- To ensure that actual and reasonable costs relating to venue consent applications are paid by the applicant(s).
- To exclude TAB venues from operating as class 4 venues.
- Council's intent is not to have any new Class 4 and TAB venues, however relocation provisions are provided only in the case of a club merger occurring.

## Scope

### Gambling Act 2003

This Policy applies to:

- All venues established after 17 October 2001.
- A Society applying to increase the number of gambling machines that may be operated at a venue.
- Venues for which no class 4 venue licence has been held for the last six months.
- An application for a new class 4 venue.
- An application pertaining to the merger of two or more clubs that hold class 4 venue licences [to avoid doubt, this only applies to Clubs as specified in section 95 of the Act].

### Racing Industry Act 2020

This Policy applies to:

- TAB NZ applying for consent to establish a new TAB venue.

## Principles

Section 101 of the Gambling Act stipulates that the Council's Class 4 Venue Policy:

- Must specify whether or not class 4 venues may be established in the territorial authority's District and, if so, where they may be located;
- May specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
- May include a relocation policy

Section 96(1) of the Racing Industry Act 2020 stipulates that the Council must adopt a TAB Venue Policy which:

- Must specify whether or not new TAB venues may be established in the South Waikato District, and if so, where the venues may be located. Under sections 96 and 97, South Waikato District Council must:

In adopting both policies, Council is required to:

- Have regard to the social impact of gambling within its District;
- Adopt and review the policy in accordance with the special consultative procedure under the Local Government Act 2002; and
- Review the policy within 3 years of the adoption of the policy and within 3 years after each adoption.

## Background

The Gambling Act 2003 requires South Waikato District Council to have a policy on class 4 venues (Gambling Venue Policy) for its district. Council must also have a policy on TAB venues (TAB Venue Policy) under the Racing Industry Act 2020. Council adopted its original policy on 5 March 2004 and must review every three years.

This reviewed policy forms the Statement of Proposal as required by the Gambling Act 2003 and the Local Government Act 2002.

Since the last review of this policy, the number of class 4 venues operating in the district has decreased by two venues, and 18 machines as shown in Appendix 1. Council wishes to reduce the number of class 4 venues and gambling machines numbers via a continuous sinking lid policy. The reduction in venues and machines will take place by a process of natural attrition as venues cease operating.

Council's TAB Venue Policy established under Section 96 of the Racing Industry Act 2020 must specify whether or not new TAB venues may be established in the district and, if so, where they may be located. This review does not amend Council's stance in this regard.

The South Waikato District Council Gambling Class 4 and TAB Venue Policy covers class 4 venues operated by societies and clubs, and TAB venues.

All current licensed class 4 venues that have not ceased operations for more than six months, do not require consent from the Council to continue their operations.

Council has developed the Gambling Class 4 and TAB Venue Policy with regard for the social impact of gambling within its district as required by the Gambling Act 2003 and the Racing Industry Act 2020.

## Policy Statements

### 1. Numbers and Location of Class 4 Venues and TAB Venues

Council will not grant consent for the establishment of any new Class 4 venues, TAB venues, or gaming machines from the date of adoption of this policy.

### 2. Club Mergers and Ministerial Discretion

- a) In the case of two or more clubs wanting to merge, section 95 of the Act will apply.
- b) Council at its sole discretion may grant site approval for two or more clubs wishing to merge.
- c) Council reserves the right to consider granting site approval for any club merger against the possible harm and/ or wellbeing of the wider community. Furthermore, the objectives of the Class 4 and TAB Venue Policy will be considered by Council prior to its formal decision, alongside the venue operator's demonstration as to how negative effects of the merger will be mitigated.
- d) Site approval will not be granted if one or more of the merging clubs are located outside of the district.
- e) The sum of the number of gaming machines specified in the club class 4 venue licence at the time of the application must not exceed a 50% reduction from the second club (e.g. total of 27).

### 3. Signage

All matters pertaining to signage for class 4 venues and TAB venues will be governed by the South Waikato District Plan and the Public Places Bylaw 2017.

### 4. New Venues

With the exception of Clause 6, there shall be no new TAB venues or class 4 venues as of the adoption of this policy.

### 5. TAB Venues

- a) As referenced within the Purpose of this policy, Council shall not allow TAB venues to operate as class 4 venues.
- b) Council will not permit the establishment of any additional TAB venues within the District. Furthermore, the sinking lid regime applies to TAB venues.

### 6. Relocation of existing class 4 venues

- a) Council will only permit relocation of a class 4 venue where a club merger under section 95 of the Gambling Act 2003 has been approved, and is subject to the following conditions:
  - i. The venue operator must demonstrate how negative effects of the relocation will be mitigated.
  - ii. Where it is a permitted activity under the South Waikato District Plan or where a resource consent to undertake the activity has been granted by Council, but no such venue should be located within 50 metres of an existing class 4 venue, any kindergarten, early childhood centre, school, place of worship, hospital, nursing home, rest home, or any other community facility.
  - iii. In accordance with Section 97A of the Gambling Act 2003, when a relocation is sought under this relocation provision, the new venue may operate up to the same number of machines that were permitted to operate at the old venue immediately before the licence was cancelled as a result of the relocation (e.g. 27).
  - iv. In accordance with section 97A(2)(c) of the Gambling Act 2003, when the new venue is established following the consent being granted under this relocation provision, the old venue is treated as if no Class 4 venue licence was ever held for that venue.

## Definitions

For the purpose of this Policy the following definitions apply in conjunction with Section 4 of the Gambling Act 2003:

### **Class 4 Gambling** means

- a) gambling that is not gambling of another class as described by the Act 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 gaming machine; or
- c) gambling categorised by the Secretary [for Internal Affairs] as class 4 gambling.

**Class 4 Venue** means a place used to conduct class 4 gambling as described by the Act.

**Club** means a voluntary association of persons combined for a purpose other than personal gain (recognised incorporated society – refer to Appendix 1).

**Council** means South Waikato District Council.

**Community facility** means any premises (including land) where community gatherings occur.

**Existing venues** means the premises referenced and listed as operational as at 31 March 2021. Refer to Appendix 1 (Comparison Chart 2018/2021).

### **Gambling machine** means

- a) 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 gaming machine by regulations made under section 368; but
- d) does not include—
  - (i) a device used only to draw a lottery; or
  - (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 in 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 gaming machine by regulations made under section 368; and
- f) does not include a device operated by the Lotteries Commission.

**New Class 4 venue** means any premises not referenced and listed within Appendix 1 of this Policy (refer Comparison Chart 2018/2021).

**Sinking lid regime** means as a TAB venue or class 4 venue that ceases operation or is closed and does not resume gambling activities within six months, Council will not grant consent for the establishment of any new venue except relocation under specific circumstances in accordance with Clause 6.

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

**TAB NZ** means the body established to conduct racing betting, sports betting, or other racing or sports betting under the Racing Industry Act 2020.

**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 Racing Industry Act 2020.

## Relevant Delegations

Council has not delegated the decision-making required under this Policy.

## References and Relevant Legislation

- Gambling Act 2003
- Local Government Act 2002
- Racing Industry Act 2020
- The Gambling (Gambling Harm Reduction) Amendment Act 2013.

## Annotations

<b>Date</b>	<b>Resolution (if applicable)</b>	<b>Description of changes</b>
05/03/04	68/04	Adopted
08/03/07	C07/09	Amended/confirmed as part of review process
15/04/10	10/102	Amended/confirmed as part of review process
01/08/13	13/218	Amended/confirmed as part of review process
02/07/18	18/209	Amended/confirmed as part of review process
05/05/22	22/98	Amended/confirmed as part of review process

### Class 4 Gambling Machines Comparison Chart 2018-2021

Venue Occupier	Approved Site Address	(Operator) 2018 Society	(Operator) 2021 Society	Number of machines 2018	Number of machines 2021
<b>Tokoroa</b>				<b>133</b>	<b>124</b>
Retox Sports Bar	204 Rosebery Street	Pub Charity Ltd	Pub Charity Ltd	18	18
Nexus Wine & Cafe <i>(previously Pockets 8 Ball Club Inc*)</i>	38 Bridge Street	Pockets 8 Ball Club Inc.	The Lion Foundation <i>(previously Tokoroa Club Inc.)</i>	18	18
Kina's Sports Bar <i>(previously Pockets 8 Ball Lounge*)</i>	42 Mannering Street	Pockets 8 Ball Club Inc.	Youthtown Incorporated	16	16
H2O Gaming & Sports Bar	233 Leith Place	Constellation Communities Trust Ltd	Grassroots Trust Ltd	18	18
☼ The Olde Establishment	220 - 222 Mannering Street	The Olde Establishment Incorporated		9	
The Trees Tavern	Corner Balmoral Drive and Browning Street	First Sovereign Trust Ltd	One Foundation Gaming	18	18
Tokoroa Club*	Chambers Street	Tokoroa Club Inc.	Tokoroa Club Inc.	18	18
Tokoroa Cosmopolitan Club*	275 Balmoral Drive	Tokoroa Cosmopolitan Club Inc.	Tokoroa Cosmopolitan Club Inc.	18	18

Putaruru				45	36
Crown and Anchor	4 Princes Street	First Sovereign Trust Ltd	Grass Roots Trust	9	9
Hog and Hounds Sports Bar	57 - 61 Tirau Street	The Lion Foundation (2008)	The Lion Foundation	9	9
⊛ Putaruru District Services Memorial Club*	35 Buckland Street	Putaruru District Services Memorial Club Inc.		9	
Putaruru Hotel - Public Bar	79 Princes Street	Southern Trust	Dragon Trust	18	18
<b>Total number of machines</b>				<b>178</b>	<b>160</b>
<b>Total venues</b>				<b>12</b>	<b>10</b>
* Club as defined in Policy.					
⊛ These premises ceased operating and remained closed for more than six months, due to the closures the machines were removed.					

### Racing Board Venues Comparison Chart 2018 - 2021

Venue Occupier	Approved Site Address		Venues 2018	Venues 2021
<b>Total number of venues</b>			<b>0</b>	<b>0</b>