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## Gambling Venues Policy (March 2007)

### 1. Introduction

The Gambling Act 2003 (the Act) came into effect on 18 September 2003 and requires territorial local authorities to have in place a policy which:

- specifies whether or not class 4 venues (hereafter referred to as gaming machine venues may be established in its 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 any class 4 venue. (The Gambling Act establishes a limit of 9 machines on gaming machines venues)
- specifies whether or not TAB stand-alone venues may be established in the district.<sup>1</sup>

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In adopting the policy, the Council must have regard to the social impacts of gambling in its district.

The Wellington City Council adopted a policy in March 2004 – it has now been reviewed as required by the Gambling Act 2003.

### 2. Objectives of the policy

The objectives of the Gambling Act are, amongst other things, to control the growth of gambling and prevent and minimise the harm caused by gambling, including problem gambling. Beyond the objectives stated in the Act, the objectives of Wellington City Council's Gambling Venues Policy are to:

- Manage the growth of gaming machines in areas of concern
- Ensure that, within the limits prescribed by the Gambling Act, people who wish to participate in gaming machine and TAB venue gambling can do so within the Wellington District
- Ensure that gaming machines are located within venues where there is a degree of supervision and control of those using the machines, to assist in reducing the risk of problem gambling, and gambling by those under 18 years of age.

### 3. General Conditions

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<sup>1</sup> The Racing Act 2003 specifies that a Board venue means the 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. Historically, these venues were referred to as Totalisator Agency Board (TAB) venues.

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A society requires Council's consent in respect of a class 4 venue:

- to increase the number of gaming machines that may be operated at such a venue
- to operate gaming machines at such a venue that was not on any society's licence within the previous 6 months
- to operate gaming machines at such a venue for which a licence was not held on 17 October 2001.

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The New Zealand Racing Board requires the consent of the Council if it proposes to establish a Board/TAB venue. In respect of TAB venues, the Gambling Venues Policy will only apply to applications for the establishment of stand-alone Board venues. Board venues are premises that are owned or leased by the New Zealand Racing Board, where the main business is providing racing and/or sports betting services. It does not cover the installation of TAB terminals in premises not owned or leased by the TAB (e.g. hotels, bars and clubs).

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An applicant for Council consent under this policy must:

- meet the application conditions specified in this policy
- meet the fee requirements specified in this policy.

## 4. Where class 4 (Gaming Machine) venues may be established

Class 4 gaming venues may be established anywhere in the Wellington district, subject to the following restrictions. Failure to comply with any of the relevant restrictions will result in consent being refused.

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4.1 For the purposes of this policy the Wellington District is divided into 7 zones. The total number of gaming machines in any zone may not exceed the machine levels detailed in the table below.

Gaming Venue Zones	Maximum number of Machines
Southern	116
Northern	146
Eastern	125
Onslow	62
Western	73
Lambton (excluding the Central Area Zone)	55
Central Area Zone	No limits

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- Central Area Zone – is the central area as defined by the District Plan excluding land zoned residential
- Lambton Zone – is that area comprising the Lambton electoral ward as at September 2003 except for the central area.
- Southern Zone – is that area made up of the Southern electoral ward as at September 2003
- Northern Zone - is that area made up of the Northern electoral ward as at September 2003
- Eastern Zone - is that area made up of the Eastern electoral ward as at September 2003
- Western Zone - is that area made up of the Western electoral ward as at September 2003
- Onslow Zone - is that area made up of the Onslow electoral ward as at September 2003

4.2 All gaming machine venues must have a current on-licence with a designation, a club liquor licence, or a permanent club charter, under the Sale of Liquor Act 1989.<sup>2</sup>

4.3 Applicants whose licences were held on 17 October 2001 may have a maximum of either 9 machines, or the number of machines lawfully operated on 23 September 2003, whichever is the higher number

4.4 Applications seeking Ministerial discretion to increase the number of gaming machines at a club venue above 9 will not receive local authority consent

4.5 Applications seeking Ministerial discretion to increase the number of gaming machines at a club venue, as the result of clubs merging, will receive consent, subject to the limits prescribed by the Gambling Act

4.6 Meeting application and fee requirements

4.7 Obtaining any necessary resource consents under the Wellington City District Plan or Resource Management Act.

### **5. Where TAB venues may be established**

TAB venues may be established anywhere in the Wellington District, subject to the provisions of the Wellington City District Plan and meeting application and fee requirements.

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<sup>2</sup> Applications where the operator is trading on a temporary authority under the Sale of Liquor Act 1989 will not be determined until an on licence has been granted for the operator.

### 6. Applications and fees for consents

All applications for consents must be made on the approved form. All applications will incur a fee, to be known as the Gaming/Gambling Venue Consent Fee, which is prescribed by the Council pursuant to section 150 of the Local Government Act 2002. Fees will be charged for consideration of applications, at the rate of \$90 per hour (GST inclusive). A deposit can be required, with the actual fees incurred coming firstly off the amount of the deposit.

### 7. Decision making

The Council has 30 working days in which to determine a consent application.

That decision will be made at officer level pursuant to delegated authority and be based on the criteria detailed in this Policy.

In the case of an application relating to a class 4 venue the assessment of the number of gaming machines in the Wellington district will be based on Department of Internal Affairs' official records.

### 8. Appeals

Applicants have the right to request a review of the decision by Council officers, if it is believed that an error of fact or process has been made.

### 9. Monitoring and review

The Council will complete a review of the policy within 3 years of its adoption, in accordance with the special consultative procedure outlined in the Local Government Act 2002. Subsequent reviews will take place on a three-yearly cycle, as required by the Gambling Act 2003.

### 10. Commencement of Policy

The policy will take effect from the time the Council resolves to adopt it. The March 2004 policy is revoked on the adoption of this policy. All applications for territorial local authority (Council) consent will be considered under the policy in place at the time the application is received.

### 11. Explanation of terms

*Class 4 Venue* - The Act 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 Act 2003, do not fall within this classification system

*Gaming Machine* – Refers to Class 4 non casino gaming machines

*TAB/Board Venue* - The Racing Act 2003 specifies that a Board venue means the 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.