

Gambling Venue and Racing Board Venue Policy (2007)

Minute Number: 1866/07

Section 101 of the Gambling Act 2003 (The Act) requires that territorial authorities must adopt a Class 4 venue policy. Manukau City Council adopted its policy in April 2004 in accordance with the special consultative procedure in section 83 of the Local Government Act 2002. The Act requires that a review of the policy must be completed within three years after the policy is adopted.



Te Kaunihera o
MANUKAU
City Council

MANUKAU CITY GAMBLING VENUE AND RACING BOARD VENUE POLICY

First Review December 2007

Adopted 13 December 2007
Minute No. 1758/07

Manukau City Gambling Venue & Racing Board Venue Policy First Review December 2007

1. Introduction

- 1.1 The Gambling Act 2003 requires Manukau City Council to adopt a policy on Class 4 venues (Gambling Venue Policy) for its district, and amends the Racing Act 2003 so that the Council must also adopt a policy on Board venues (Board Venue Policy). Council adopted its original policy in April 2004.
- 1.2 This reviewed policy forms the Statement of Proposal as required by the Gambling Act 2003 and the Local Government Act 2002.
- Since the adoption of the original policy in 2004, the number of venues operating in the city has decreased from 90 to 71. It is intended to further reduce the cap on venue and machine 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 in furtherance of objectives 3.2, 3.3 and 3.4 below.
- 1.3 The Gambling Act 2003 also amended the Racing Act 2003. Under that amendment (Section 65D) Council is required to adopt a Board venue policy for its district which must specify whether or not new Board venues may be established in the district and, if so, where they may be located.
- 1.4 Section 101(3) of the Gambling Act 2003 requires that the gambling venue policy:
- ♦ Must specify whether or not Class 4 venues may be established in the district and, if so, where they may be located
 - ♦ May specify any restrictions on the maximum number of gambling machines that may be operated at a Class 4 venue.
- 1.5 The Manukau City Council Gambling Venue and Board Venue Policy covers Class 4 venues operated by societies and clubs, and also New Zealand Racing Board venues.
- 1.6 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.
- 1.7 Council has developed the Gambling Venue and Board Venue Policy with regard for the social impact of gambling within its district as required by the Gambling Act 2003, and the Racing Act 2003. A voluntary Code of Conduct outlining best practice objectives and activities will be developed to support the implementation and monitoring of the Policy.

2. Definitions

In this Policy the following definitions mean:

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 racing betting or sports betting services under the Racing Act 2003.

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 gaming machine; or
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- (c) gambling categorised by the Secretary [for Internal Affairs] as Class 4 gambling.

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

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

District Plan – the Manukau Operative District Plan 2002 or any succeeding district plan prepared under the provisions of the Resource Management Act 1991.

Gambling Machine

- (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 – a Class 4 venue for which a Class 4 venue licence was not held on 13 December 2007.

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

3. Policy Objectives

- 3.1 To support the purpose and intent of the Gambling Act 2003.
- 3.2 To control the growth of Class 4 gambling in Manukau City.
- 3.3 To contribute to the minimisation of harm caused by gambling, including problem gambling, in Manukau City.
- 3.4 To avoid additional concentrations of gambling venues within the city.
- 3.5 To facilitate community access to information about the distribution and operations of Class 4 venues within the city.
- 3.6 To provide registered corporate societies which manage Class 4 Venue and Racing Board venues in Manukau City with opportunities to generate funds for the purposes of distribution for local, regional and national community benefit.
- 3.7 To enable people who are entitled to participate in Class 4 and TAB gambling in Manukau City to do so.
- 3.8 To ensure that actual and reasonable costs relating to venue consent applications are paid by the applicant(s).

4. Numbers and Location of Class 4 Venues

- 4.1 Council will not grant consent for the establishment of any new Class 4 venues or machines as of the adoption of this policy.
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- 4.2 No Class 4 venues or any Class 4 venue where a licence has not been held in the last six months shall be located:
- a) in any of the following zones in the District Plan
 - ♦ Business 1, 2 and 3 zones
 - ♦ Residential zones
 - ♦ Rural zones
 - b) in any Open Space Zone in the District Plan other than in club premises located in the
 - ♦ Public Open Space Zone 3 – Active outdoor recreation/organised sports
 - ♦ Public Open Space Zone 4 – Community Purpose Buildings and Indoor Recreation Facilities
- 4.3 All Class 4 venues must be within the area of a premise licensed under the Sale of Liquor Act 1989.

5. Clubs and Ministerial Discretion

Council will not provide consent under sections 95(1)(f) or 96(1)(e) of the Gambling Act 2003 to any application by clubs with Class 4 licences seeking Ministerial discretion to increase the number of gambling machines permitted at a venue beyond the number that would otherwise have been permitted under sections 92, 93 or 94 of that Act.

6. Signage

Signage specifications for Class 4 venues will be governed by the Council's District Plan and Consolidated Bylaw.

7. Racing Board Venues

7.1 Existing Venues

New Zealand Racing Board Venues with gambling machines are Class 4 venues for the purposes of this policy.

7.2 New Venues

There shall be no new Racing Board Venues or class 4 machines in Racing Board venues as of the adoption of this policy.

8. Commencement of Policy

- 8.1 The Policy will take effect from 13 December 2007.

9. Review of Policy

- 9.1 This Policy will be reviewed three yearly. The second review will be completed by July 2010
- 9.2 Manukau City Council may amend this Policy as a result of the findings of economic and social impact monitoring.
- 9.3 If Manukau City Council amends or replaces this Policy, it shall do so in accordance with the Special Consultative Procedure outlined in the Local Government Act 2002.
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