

GAMBLING POLICY

AUGUST 2019

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Issue	Reason for Issue	Author	Reviewer	Date
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WAIPA DISTRICT GAMBLING POLICY

The Gambling Act 2003 and Racing Act 2003 require local authorities to adopt a class 4 gambling venues policy and Board venue policy respectively.

Due to the similarities between the requirements for the two policies they have been consolidated into one Gambling Policy.

PART 1: BOARD VENUES

Purpose and scope

Council is required by the Racing Act 2003 to maintain a Board Venue policy, and to periodically review the policy.

Section 65D of the Act details what the policy may include. The policy must specify whether or not new Board venues may be established in the territorial authority district and, if so, where they may be located. Venues are licensed and monitored by the Department of Internal Affairs.

Definitions

For the purposes of this Policy the following definitions shall apply:

Term	Definition
The Act	The Racing Act 2003.
Adjoin	Allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.
Allotment	(a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan; and (b) Any parcel of land or building or part of a building that is shown or identified separately: (i) On a survey plan; or (ii) On a licence within the meaning of Part 7 of the Land Transfer Act 1952; or (c) Any unit on a unit plan; or (d) Any parcel of land not subject to the Land Transfer Act 1952.
Board Venues (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.
Corporate Society	Shall have the same meaning as that used in the Gambling Act 2003 and shall include the New Zealand Racing Board and any societies that are racing clubs under the Racing Act 2003.
Licensed Early Childhood Centre	Shall have the same meaning as that used in the Education Act 1989.
School	Shall have the same meaning as that used in the Education Act 1989.

Objectives of the policy

- To support the purpose and intent of the Racing Act 2003;
- To ensure Council and the community has influence over the location of new Board Venues in the District; and
- To control the growth of gambling while allowing those who wish to participate in sports or racing gambling to do so within the Waipa District.

Locations where board venues may be established

Subject to compliance with the relevant provisions of the Waipa District Plan, Board Venues may only be established in accordance with the provisions of this Policy.

No Board Venue shall adjoin any school, or licensed early childhood centre.

Application for a board venue consent

A Board Venue Consent application may be lodged with the Waipa District Council at any time.

Applications to the Waipa District Council for a Board Venue consent must be made on the approved form and must provide:

- The name and contact details for the applicant, including the Corporate Society name, the venue trading name(s), any other name(s) related to the venue, and the venue operator's name(s);
- The street address of the place where the proposed Board Venue will be located;
- The names of key staff associated with the proposed Board Venue;
- The legal description (including a deposited plan number where relevant) clearly identifying the area where the proposed Board Venue is to be located; and
- Any other relevant information requested by the Council, or that the applicant wishes to provide in support of the application.

Application fees

All actual and reasonable costs of processing the application, including but not limited to any notification, consultation, administration costs, and/or inspections, may be charged to the applicant.

All applications must be accompanied by a deposit of \$600.00.

The deposit will be utilised to pay for costs and fees associated with the application. Any further costs or disbursements incurred in connection with processing the application over and above the deposit will be charged to the applicant.

In the event that an application is declined, any unused portion of the deposit will be refunded.

Regulations to prevail

Any regulations made pursuant to the Racing Act 2003 and its amendments shall prevail over any contrary provision of this Policy.

Application and review

Pursuant to section 65E of the Act Council must review this policy within three years of its adoption and within three years after each review. The policy may also be reviewed more often as required, to meet the needs of the organisation and best practice.

The policy will take effect from the date it is signed by both the policy owner and Chief Executive; however a one (1) year period from that point will be allowed for implementation and full compliance to be achieved.

PART 2: CLASS 4 GAMBLING VENUES

Purpose and scope

Council is required by the Gambling Act 2003 to maintain gambling-related policies, and to periodically review those policies. In relation to Class 4 Gambling Venues this Policy applies to:

- All venues/corporate societies wanting to increase the number of gambling machines that may be operated at a venue; and
- All applications for a new Class 4 gambling venue; and
- All venues established after 17 October 2001; and
- All venues for which no Class 4 gambling venue license has been held for the last six months.

Definitions

For the purposes of this Policy the following definitions shall apply:

Term	Definition
The Act	The Gambling Act 2003.
Adjoin	Allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.
Allotment	<p>(a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan; and</p> <p>(b) Any parcel of land or building or part of a building that is shown or identified separately:</p> <p style="margin-left: 20px;">(i) On a survey plan; or</p> <p style="margin-left: 20px;">(ii) On a licence within the meaning of Part 7 of the Land Transfer Act 1952; or</p> <p>(c) Any unit on a unit plan; or</p> <p>(d) Any parcel of land not subject to the Land Transfer Act 1952.</p>
Class 4 Gambling/Gaming Venue (venue)	Means a place used to conduct 'Class 4' gambling, not including a casino, that contains gaming machines (Non-Casino Gaming Machines (NCGMs), or 'pokies').
Pokie Trust/Corporate Society	Pokie trusts, defined as 'corporate societies' in Part 1 (4) of the Gambling Act 2003, are non-profit organisations that own and operate pokies and distribute part of their revenue to community groups in the form of authorised purpose grants. They include the New Zealand Racing Board and any societies that are racing clubs under the Racing Act 2003.
Non-Casino Gaming Machines	NCGMs or 'Pokies' are electronic gaming machines that operate outside of a casino location (typically a club, pub, bar

Term	Definition
(NCGMs)/Pokies/Gaming Machines	or hotel). They may also be called 'gaming machines' as defined in Part 1 (4) of the Gambling Act 2003.
Licensed Early Childhood Centre	Shall have the same meaning as that used in the Education Act 1989.
Primary Activity	The activity(s) primarily associated with and promoted by the Venue.
Private Club	A voluntary association of persons combined for a purpose other than personal gain.
Relocation Policy	For the avoidance of doubt section 8 of this policy constitutes the relocation policy of Waipa District Council.
School	Shall have the same meaning as that used in the Education Act 1989.
Society	A corporate society as defined in the Gambling Act 2003 (including reference to Section 33), which has an operator's licence for Class 4 Gaming machines.

Objectives of the policy

- To support the purpose and intent of the Gambling Act 2003;
- To provide for the continued availability of Class 4 gambling within the Waipa District in accordance with the purpose and intent of the Gambling Act 2003;
- To control the growth of Class 4 gambling machine numbers within the Waipa District;
- To avoid the establishment of Class 4 gambling activities in locations proximate to residential areas, or other identified sensitive land uses;
- To encourage responsible gambling practices and attitudes in Class 4 gambling venues;
- To reduce the exposure and risk of exposure of under-18 year old persons to gambling opportunities and the promotion of gambling; and
- To ensure as far as practicable that actual and reasonable costs relating to Class 4 Gambling Venue consent applications are borne by the applicant(s).

Locations where Class 4 gambling venues may be established

Subject to compliance with the relevant provisions of the Waipa District Plan, Class 4 Gambling Venues may only be established in accordance with the provisions of this Policy.

No Class 4 Gambling Venue shall adjoin any school, or licensed early childhood centre.

Primary activity of Class 4 gambling venues

The primary activity of any Class 4 Gambling Venue shall be:

- Sporting activities; or
- Private club activities; or

- Sale of liquor for consumption on the premises; or
- Board venues as defined by Section 5 of the Racing Act 2003.

Number of Class 4 gaming machines district-wide

The total number of gaming machines in Waipa District shall be capped so as not to exceed 232 machines (“**the cap**”) (this being the maximum approved number of gaming machines permitted to operate in Waipa District as at 26th March 2015).

The cap of 232 will remain in place until the next review of this policy.

Number of gaming machines per Class 4 gambling venue

Subject to meeting the other requirements of this Policy, all new Class 4 Gambling Venues that wish to have gaming machines may operate a maximum of no more than nine gaming machines per Class 4 Gambling Venue.

Relocation Policy

Where an existing Class 4 Gambling Venue is ceasing to operate, the Council or its delegated officer may, at its or their own discretion, allow the transfer of existing venue conditions to another location(s) that meets the criteria of the existing policy.

Generally, the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:

- The existing venue must be ceasing to operate as a Class 4 Gambling venue;
- The new venue must be operated by the same corporate society operating the existing venue;
- The new venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003; and
- The merging of existing venue conditions and transferred venue conditions is not permitted.

Application for a Class 4 gambling venue consent

An application for a Class 4 Gambling Venue Consent may be lodged with the Waipa District Council at any time.

Applications to Waipa District Council for a Class 4 Gambling Venue Consent must be made on the approved form and must provide:

- The name and contact details for the applicant, including the Corporate Society name, the venue trading name(s), any other name(s) related to the venue, and the venue operator’s name(s);

- The street address of the place where the proposed Class 4 Gambling Venue will be located;
- The names of key staff associated with the proposed Class 4 Gambling Venue;
- Evidence of police approval for owners and managers associated with the proposed Class 4 Gambling Venue;
- Details of liquor licence(s) granted for, or proposed for, the proposed Class 4 Gambling Venue;
- The legal description (including a deposited plan number where relevant) clearly identifying the area where the proposed Class 4 Gambling Venue is to be located; and
- Any other relevant information requested by the Council, or that the applicant wishes to provide in support of the application.

Application fees

All actual and reasonable costs of processing the application, including but not limited to any notification, consultation, administration costs, and/or inspections, may be charged to the applicant.

All applications must be accompanied by a deposit of \$600.00.

The deposit will be utilised to pay for costs and fees associated with the application. Any further costs or disbursements incurred in connection with processing the application over and above the deposit will be charged to the applicant.

In the event that an application is declined, any unused portion of the deposit will be refunded.

Regulations to prevail

Any regulations made pursuant to the Gambling Act 2003 and its amendments shall prevail over any contrary provision of this Policy.

Application and review

Pursuant to section 102 of the Act Council must review this policy within three years of its adoption and within three years after each review. The policy may also be reviewed more often as required, to meet the needs of the organisation and best practice.

The policy will take effect from the date it is signed by both the policy owner and Chief Executive¹; however a one (1) year period from that point will be allowed for implementation and full compliance to be achieved.

¹ The original copy of this Policy was signed by the Chief Executive on 29/08/2019 and the Manager Strategy on 28/08/2019.



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