

Gambling Venues Policy 2015

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 that:

- specifies whether or not class 4 venues (non-casino gaming machine venues, NCGMs) 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 2003 establishes maximum limits of either 18 machines or 9 machines on gaming machines venues, depending on whether the venue was established before or after October 2001).

The Racing Act 2003 requires territorial authorities to adopt a policy on Board venues¹. The Board venues policy must:

- specify whether or not New Zealand Racing Board stand-alone venues may be established in the district and, if so, where they may be located.

In adopting both a class 4 venues policy and a Board venues policy, the Council must have regard to the social impacts of gambling in its district.

2. OBJECTIVES OF THE GAMBLING VENUES POLICY

The objectives of the Gambling Act 2003 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 risk of gambling harm created by non-casino gaming machines (NCGMs) and TAB gambling to the extent that this can be reasonably done through a gambling venues policy
- ensure that, within the limits prescribed by the Gambling Act 2003 and Racing Act 2003, people who wish to participate in NCGM and Board venue (TAB) gambling can do so within the Wellington District
- provide for the relocation of Class 4 venue licences in certain circumstances.

3. GENERAL PROVISIONS FOR CLASS 4 VENUES

A society requires the Council's consent in respect of a class 4 (NCGM) venue:

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

¹ 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.

- to relocate a venue to which a class 4 venue licence currently applies.

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 VENUES MAY BE ESTABLISHED

Class 4 (NCGM) 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.

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

Zone²	Maximum number of Machines
Southern	100
Northern	136
Eastern	114
Onslow	9
Western	44
Lambton (excluding Central Area Zone)	9
Central Area Zone	335

Refer to the attached maps for area boundaries which are based on the electoral wards as at September 2003.

New venues will be restricted to the Central Area Zone and to “centres” in the District Plan. New venues in Neighbourhood Centres are not permitted.

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

² Central Area Zone is the central area as defined by the District Plan as at September 2003 excluding land zoned residential.

Lambton Zone is that area comprising the Lambton electoral ward as at September 2003 except for the Central Area Zone.

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.

Applications seeking ministerial discretion, under section 95 of the Gambling Act 2003, 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.

Applications seeking ministerial discretion, under section 96 of the Gambling Act 2003, to increase the number of gaming machines at a club venue above nine will not receive local authority consent.

Applicants must obtain any necessary resource consents under the Wellington City District Plan or Resource Management Act 1991.

5. RELOCATION CLASS 4 VENUES

This relocation policy sets out when the Council will grant consent in respect of a venue that replaces an existing venture. The effect of this relocation policy is prescribed in section 97A of the Gambling Act 2003.

Any class 4 (NCGM) venue may be relocated provided:

- it relocates to the Central Area Zone; or
- it relocates to an area identified as a “centre”, but excluding Neighbourhood Centres, in the Wellington District Plan; and
- the NCGMs in the new venue would not result in more NCGMs in a zone than is allowed under section 4 of this policy.

6. WHERE BOARD VENUES MAY BE ESTABLISHED

The New Zealand Racing Board requires the consent of the Council if it proposes to establish a Board venue. For the avoidance of doubt, this policy only applies to applications for the establishment of stand-alone Board venues. These are venues in premises that are owned or leased by the New Zealand Racing Board, where the main business is providing racing and/or sports betting services. The policy does not cover the installation of TAB terminals in premises not owned or leased by the Board (for example hotels, bars and clubs).

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.

7. 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 may be required.

8. 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.

9. 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.

10. MONITORING AND REVIEW

The Council will complete a review of the policy within three 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 and Racing Act 2003.

11. COMMENCEMENT OF POLICY

The policy will take effect from the time the Council resolves to adopt it. The 2010 Gambling Venues 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.

12. EXPLANATION OF TERMS

Class 4 venue - The Gambling Act 2003 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

Society – is a Corporate Society as defined under the Gambling Act 2003. It is a not-for-profit organisation that may undertake class 4 gambling

Gaming machine – Refers to class 4 non-casino gaming machine

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 out at the premises is providing racing betting or sports betting services.