



# **CLASS 4 AND TAB GAMBLING VENUE POLICY**

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## **1. INTRODUCTION**

Under section 101 of the Gambling Act 2003 territorial authorities are required to adopt a policy to regulate the growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within their district. The areas where territorial authorities have jurisdiction are:

- To determine whether new Class 4 and or TAB venues may be established within the district and if so to determine any restrictions to be placed on those locations.
- If class 4 venues are permitted in the district, to determine the maximum number of machines that may be on each venue, subject to statutory maxima.

## **2. OBJECTIVES OF THE POLICY**

- To ensure the Council and the community has influence over the provision of new gambling in the district.
- To control and manage the growth of gambling in the district.
- To prevent and minimise the harm caused by gambling.
- To allow those who wish to participate in electronic gaming machine and totalisator (TAB) gambling to do so safely and responsibly within the district.
- To ensure compliance with the requirements of the Gambling Act 2003 as it applies to Council.
- To create a flow of information so that the ongoing effects of gambling in the district may be assessed.

## **3. WHERE CLASS 4 GAMBLING OR TAB VENUES MAY BE ESTABLISHED**

Class 4 gambling and TAB venues may be established in the district subject to the following:

- Meeting application and fee requirements.
- Not being located close to or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant must demonstrate that the proposed venue will not adversely impact on such institutions.
- Not being located so as to provide for a concentration of gambling venues.

- Not being a venue at which the primary activity is associated with family or children's activities.
- The electronic gaming machines being located within the venue to minimise their visibility from the street and from underage patrons at the venue.

#### **4. NUMBERS OF ELECTRONIC GAMING MACHINES TO BE ALLOWED**

- New venues may be allowed up to a maximum of 9 electronic gaming machines.
- Venues with licenses issued after 17 October 2001 and operating fewer than 9 electronic gaming machines may be allowed to increase the number of machines operated at the venue to 9.
- Existing venues with licenses issued before 18 October 2001 and operating fewer than 18 electronic gaming machines may be allowed to increase the number of machines operated at the venue to a maximum of 18.
- In the case where two or more class 4 gambling venues that are clubs merge then the maximum number of electronic gaming machines that may be allowed at the merged venue is the lesser of 30 machines or the sum of the machines operating at all venues of the clubs that are merging.

#### **5. PRIMARY ACTIVITY OF CLASS 4 GAMBLING PREMISES**

New Class 4 gambling venues may only be established where the primary activity of the venue is:

- To sell and supply alcohol for consumption on the premises as licensed under the Sale of Liquor Act 1989, or
- The conducting of race and sports betting under the Racing Act 2003.

#### **6. INFORMATION DISCLOSURE**

To enable Council to ensure that money from gambling benefits the community, each society (as defined by the Gambling Act 2003) operating electronic gaming machines in the Central Otago District shall provide the following information to the Council for each venue operated in the district:

- Net expenditure (being the difference between money paid into and paid out as winnings from electronic gaming machines).
- A copy of the responsible gambling policy in place at the venue.

Council has an information brochure available to assist you in addressing your requirements under the Act relating to your Responsible Gambling Policy.

In addition, each society shall provide information to the Council on the total dollar value grants made by it directly to organisations within the Central Otago District.

Information is to be provided to Council for each six-month period ending 30 June and 31 December each year. The information is to be provided to the Council within 2 months of the end of each reporting period, 31 August and 28 February.

## **7. APPLICATIONS**

Applications for consent by the Central Otago District Council must be made on the approved form and must provide:

- Name and address details for the application.
- Street address of premises proposed for the Class 4 venue.
- The names of management staff.
- Evidence that public notice of the intention to apply for a new venue (for either Class 4 or TAB venues) or an increase in electronic gaming machine numbers (for Class 4 venues) at an existing venue has been given.
- Evidence of police approval for owners and managers of the venue.
- Evidence that the primary purpose of the proposed venue complies with this policy.
- A site plan and photographs covering both gambling and other activities proposed for the venue, including details of each floor of the venue. This site plan must clearly show where the electronic gaming machines are to be located on the premises and the location, size and content of proposed signage for the venue.
- Details of the liquor licence(s) applying to the premises.

## **8. APPLICATION FEES**

These will be set by the Central Otago District Council from time to time and shall include consideration of:

- The cost of processing the application, including any consultation and hearings involved.

- The cost of triennially reviewing the Class 4 gambling and TAB venue policy.
- The cost of inspecting Class 4 gambling venues to ensure compliance with consent conditions.
- A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the Central Otago District.

## **9. PUBLIC NOTICE PROVISIONS**

Public notice of the intention to make application under this policy shall be made by placing notices in either the Southland Times or the Otago Daily Times on two consecutive Saturday editions. A similar notice shall be placed in at least two local newspapers that are delivered in the area surrounding the applicant venue over two consecutive weeks. If there are not two local newspapers circulated in the surrounding area then the notice shall be placed in both the Southland Times and Otago Daily Times and the one local newspaper.

The notice shall specify:

- The name of the society making the application.
- The physical location of the venue or proposed venue.
- The trading name of the venue or proposed venue.
- The number of electronic gaming machines that are proposed.
- Where the application is for an increase in the number of electronic gaming machines at the venue the notice shall specify the existing number and proposed number of machines.
- That objections to the granting of the application should be made in writing to the Central Otago District Council and specify the name and address of the person lodging the objection.
- The period during which objections may be made, which is twenty one (21) days from the date of first public notice in the Otago Daily Times or Southland Times or community newspaper.

## **10. ADMINISTRATION**

- The Planning and Environment Committee of the Council shall administer this policy.

- Licence applications will be processed, monitored and reported pursuant to this policy by Council officers.
- Where any public objection is made to the application for a new venue or an increase in the number of machines at a venue under to this policy, then the application will be referred to the Planning and Regulatory Committee. This Committee will conduct a public hearing into the application that provides for community consultation.
- The Planning and Environment Committee shall have final jurisdiction in respect of determining any application under this policy.