

North Shore City Council

Gambling Venue Policy

16 December 2008



This policy is a requirement of sections 101 and 102 of the Gambling Act 2003 and section 65D of the Racing Act 2003.

1.0 Introduction

Section 101 of the Gambling Act 2003 requires that a territorial authority must adopt a class 4 venue policy. Section 101(3) states that the policy -

- a) must specify whether or not class 4 venues may be established in the territorial authority district and, if so, where they may be located; and*
- b) may specify any restrictions on the maximum number of gaming machines that may be operated at class 4 venues.*

A corporate society must first obtain Council consent before applying to the Department of Internal Affairs for a licence. It is the responsibility of Council to consider applications for gambling venues and to issue consents where they comply with the venue policy.

The Gambling Act also amends the Racing Act 2003 to require that Council adopt a board venue policy for the city. A board venue policy must specify whether new board venues may be established in the city, and if so, where they may be located. Council consent is required to establish new stand-alone board venues. A board venue with gaming machines requires a class 4 venue licence for operating gaming machines.

2.0 Definitions

Board venue means 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 is –

- (a) gambling that is not gambling of another class and that satisfies the following criteria:
 - i) the net proceeds from 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
- (c) gambling categorised by the Secretary for Internal Affairs as class 4 gambling.

Class 4 gambling venue means a place used to conduct class 4 gambling.

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

Corporate Society means a society that is –

- (a) incorporated under the Incorporated Societies Act 1908; or
- (b) incorporated as a board under the Charitable Trusts Act 1957; or
- (c) a company incorporated under the Companies Act 1993 that-
 - i) does not have the capacity or power to make a profit; and
 - ii) is incorporated and conducted solely for authorised purposes; or
- (d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982.

District Plan means the North Shore City District Plan 2002 or any succeeding plan under the provisions of the Resource Management Act 1991.

Gaming Machine means

- (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

3.0 Gambling Venue Policy Objectives

- a) To control the growth of gambling in North Shore City.
- b) To minimise the harm caused by gambling in North Shore City.
- c) To allow people who wish to participate in class 4 and board venue gambling to do so within North Shore City, provided the legal requirements of the Gambling Act and the Department of Internal Affairs are met, and, recognising objectives a) and b) above.

4.0 Conditions Applying to all Applications:

- a) Class 4 venues that require the consent of Council are:
 - i) Any class 4 venue that proposes to increase its number of machines from the number currently licensed; and
 - ii) Any new class 4 gambling venue that was not licensed on or prior to 17 October 2001; and
 - iii) Any class 4 venue where a license has not been held by any society or club within the last 6 months; and
 - iv) Any class 4 venue that holds a license granted after 17 October 2001;
 - v) Clubs seeking Ministerial discretion under sections 95 and 96 of the Act.

- b) All class 4 gambling venues that require Council consent must:
 - i) comply with the provisions of this policy; and
 - ii) comply with the relevant provisions of the North Shore City District Plan and North Shore City Bylaws; and
 - iii) comply with fee and application requirements stipulated in Section 4 of this policy.

5.0 Cap on the Number of Class 4 Venues

- a) The number of class 4 venues in North Shore City shall not exceed 46.
- b) Council shall consent to the establishment of a new class 4 venue only where the total number of class 4 venues is less than 46 class 4 venues.

6.0 Cap on the Number of Gaming Machines

- a) The number of gaming machines in North Shore City shall not exceed 651.
- b) Council shall consent to the establishment of a new class 4 venue only where the total number of class 4 gaming machines is less than 651.
- c) The number of gaming machines consented to operate at class 4 venues in North Shore City shall not exceed 9 per venue (if the venue was not licensed on or prior to 17 October 2001).

7.0 New Zealand Racing Board Gambling Venues

7.1 Conditions Applying to all Applications:

- a) The New Zealand Racing Board requires Council consent to establish a board gambling venue.
- b) All new board gambling venues that require Council consent must:
 - i) comply with the provisions of this policy; and
 - ii) comply with the relevant provisions of the North Shore City District Plan and North Shore City Bylaws; and
 - iii) comply with fee and application requirements of this policy.

7.2 New Zealand Racing Board Venues with no gaming machines

- a) Council shall consent to the establishment of a board venue with no gaming machines only where the total number of board venues in North Shore City does not exceed 3.

7.3 New Zealand Racing Board Venues with gaming machines

- a) All board venues that operate gaming machines are a class 4 venue for the purposes of this policy and must comply with the provisions of the policy for Class 4 Gambling Venues.

8.0 Application and Fee Requirements

8.1 Applications

Applications to the Council must provide:

- i) name and contact details of the applicant, including the society name;
- ii) street address of the premises subject to the application;
- iii) the names of management staff;
- iii) the proposed trading name;
- iv) the number of gaming machines being proposed for the premises;

8.2 Application Fees

Application fees shall be set by North Shore City Council in accordance with Section 150 of the Local Government Act 2002 and shall include consideration of:

- i) The cost of processing the application.
- ii) The cost of monitoring consents.
- iii) The cost of reviewing the policy every three years.

9.0 Allocation of North Shore City Class 4 Gambling Venue Consent

- a) If an existing business requests to relocate an existing class 4 venue within a short distance (up to approximately 500 metres), and it is the relocation of an existing business due to circumstances beyond the venue operators' control, then that venue can be given a class 4 consent at the discretion of the council without reference to any other applicant.
- b) All interested parties for new consent applications must submit a letter to the Council that complies with the requirements of clause 8.1 above.
- c) New class 4 venue consents be assessed against the following criteria:
 - i) distance from libraries, schools and early childhood centres;
 - ii) proximity to residential areas;
 - iii) the existing density of machines in that area;
 - iv) host responsibility.
- d) The application will be assessed against the provisions of this policy.
- e) Determination of the consent application will be subject to delegated approval.
- f) Department of Internal Affairs records shall be used when assessing applications.
- g) All applicants will be informed within 7 days of the decision.
- h) If there are no current vacancies, an application will be held for consideration should a vacancy arise at a later date.

10.0 Policy Review

A review of this policy shall take place within 3 years.