

Gambling Venue Policy 2023

(under the Gambling Act 2003 & the Racing Industry Act 2020)

1. Introduction

- 1.1 This policy has been prepared in accordance with Section 101 of the Gambling Act 2003 and Section 96 of the Racing Industry Act 2020.
- 1.2 Both Acts require Territorial Authorities to have a policy that guides if, where and how many Class 4 (pokies) and TAB venues may be established in the district.
- 1.3 Both Acts require that these policies are reviewed every three years.
- 1.4 Marlborough District Council has had a single combined policy for Gambling Venues (Class 4 and TAB venues) since the legislation was introduced in 2003.
- 1.5 The operation of Class 4 gaming machines must not be the primary activity on any Class 4 venue.

2. Objectives of the Policy

- 2.1 To minimise harm to the community caused by gambling.
- 2.2 To manage gambling in the district; by controlling the location of venues and number of gaming machines permitted to operate.
- 2.3 Facilitate community involvement in decisions about gambling.
- 2.4 Recover costs where appropriate.

3. Establishment of TAB Venues

- 3.1 TAB venues are defined in the Racing Industry Act 2020 as those premises that are owned or leased by the TAB NZ and where the main business carried out at the premises is providing racing betting, sports betting, or other racing or sports betting services.
- 3.2 Council will allow new gambling venues associated with standalone TAB venues under this Policy.
 - 3.2.1 TAB outlets may be established within any zone where commercial activities are permitted subject to:
 - a) Meeting application and fee requirements;
 - b) The venue having a 'host responsibility' and gambling harm minimisation policy and staff training programme, approved by the Ministry of Health;
 - c) When assessing an application to establish a TAB outlet, consideration must be given to the following;
 - i. The venue not being primarily associated with family or children's activities;
 - ii. The closeness of the venue to any residential zone;
 - iii. The closeness of the venue to any educational facilities, spiritual facilities, recreational facilities, cultural facilities, and other educational or religious establishments.
 - iv. The concentration of gambling venues.

Note: For the purposes of clarity TAB NZ requires the consent of the Council if it proposes to establish a TAB venue. For the avoidance of doubt, this policy only applies to applications for the establishment of standalone TAB venues. This 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 in within the Marlborough District, subject to the provisions of the Marlborough Environment Plan and meeting application and fee requirements.

4. Establishment of Class 4 Venues and Machines

- 4.1 Class 4 gambling is the term used in the Gambling Act 2003 to describe non-casino gaming machines (pokies) and the premises that are used to operate those machines.
- 4.2 Council uses a 'sinking lid' approach to Class 4 venues or additional gaming machines. Therefore, Council will not grant consent for:
 - a) The establishment of any additional Class 4 venues or additional gaming machines.
 - b) The re-establishment of a Class 4 venue with gaming machines once a licence is no longer held for that venue and territorial authority consent is required.

Note: situation 4.2(b) usually applies when no licence has been held by any society for a particular Class 4 venue within the previous six months.

To make it clear, no new Class 4 venues or gaming machines will be allowed under the Councils sinking lid Policy. This means when an existing venue closes, the Council will not give consent for another to be established.

5. Exceptions from Meeting Parts of this Policy (Mergers)

- 5.1 In the case of clubs only, when two or more clubs merge legally and physically in terms of section 95 of the Gambling Act 2003, they may apply to have the lesser of:
 - a) The sum of the number of gaming machines specified in all of the clubs Class 4 venue licences at the time of application; or
 - b) 18 gaming machines.

6. Relocation of Existing Class 4 Venue

- 6.1 On application Council may permit existing Class 4 venues to re-establish at a new site where due to circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site.
- 6.2 Any application to relocate a current venue will be considered on a case-by-case basis and approval will be at the discretion of the Council.
- 6.3 An application, and the proposed venue, must comply with all other conditions and provisions set out in this Policy and subject to the following conditions:
 - a) The venue operator of the new location will be the same as the former location.
 - b) The venue not being primarily associated with family or children's activities.
 - c) The closeness of the venue to any residential zone. The closeness of the venue to any educational facilities, spiritual facilities, recreational facilities, cultural facilities, and other educational or religious establishments.
 - d) The deprivation level is the same or lower.

- e) The maximum number of gaming machines permitted to operate at the new venue is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled.
- f) Meeting the application fee requirements.

Note: Where a venue relocates, the Class 4 licence for the old venue will be cancelled and the old venue will be treated as if no Class 4 venue licence had ever been held for that venue.

7. Applications

7.1 All applications must be made on the approved form and must provide the following:

- a) Name and contact details of applicant.
- b) Evidence of police clearance for owners and managers of the venue.
- c) A 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue.
- d) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue.
- e) Evidence of the distance to the nearest residential zone, other Class 4 gambling venues, as well as distance to any educational, recreational, cultural, and religious facilities and establishments.
- f) Street address of premises proposed for the venue.
- g) Details of any alcohol licence(s) applying to the premises.
- h) A copy of the proposed Gambling Harm Minimisation Policy, including the staff training programme and details of how underage access will be controlled effectively.
- i) Signed written approval from the verified property owner.
- j) Any other relevant information requested by the territorial authority, or that the applicant wishes to provide.

8. Application Fee

8.1 The fee for making an application for a venue or relocation licence is \$290.00 per application based on a maximum processing time of two hours. Further time taken to process an application will be charged at \$145.00 per hour.

8.2 The fee is set by Council in accordance with Section 150 of the Local Government Act 2002 and includes consideration of the cost of processing the application.

Date for next review is September 2026