

GAMBLING VENUE POLICY



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Context and Goals

The Gambling Act 2003 seeks to ensure that:

- 1.0 Gambling is used primarily to raise funds for community purposes.
- 2.0 The harm caused by gambling is prevented or minimised.
- 3.0 The growth of gambling is controlled.
- 4.0 There is local involvement in decisions about the availability of more risky forms of gambling.

This policy identifies Council's responsibility and role in meeting these goals and objectives within the Matamata-Piako district.

1.0 Community Awareness

The Council recognises that gambling is currently a new issue of interest for many communities and that many of the groups who may be interested or concerned about the social, community and individual harms arising from gambling, do not have access to up to date literature and reference material. To address this, the Matamata-Piako District Council is committed to ensuring the availability of up-to-date resources and literature are available to the local communities and agencies interested in this topic.

In order to involve the community in the licensing of gambling venues, requirements are included in this policy for applicants to publicly advertise their intention to operate 1 or more gaming machines and request submissions be made to the Council of public opinion and perspectives regarding the granting of a consent for a particular venue in question.

1.1 What this means:

The Matamata-Piako District Council will ensure that the Citizen's Advice Bureau and other interested agencies have access to the most recent literature and resource material recommended by key groups, such as national gambling agencies and central government. Some examples of key groups are: Problem Gambling Foundation of New Zealand, Ministry of Social Development, and Local Government NZ.

Additional to the availability of gambling based literature, the Matamata-Piako District Council will collect and make available district specific information concerning the number and location of gambling venues operating in the district, the number of machines licensed, and the formulae and rationale behind any licensing decisions.

Promulgation of this information will be the responsibility of the Community Development Team, Council Regulatory staff and Customer Services.

2.0 Harm Minimisation

Gaming machine operators are required in their licensing process to demonstrate a satisfactory level of compliance with responsible gambling Codes of Practice, ethical operations, and practices of problem gambling

harm minimisation as deemed acceptable by the Department of Internal Affairs.

2.1 What this means:

As the regulation of gaming machine operators is the responsibility of the Department of Internal Affairs the Council will be making no requirements of applicants to establish their reliability as an operator.

However, should the Department of Internal affairs decline an applicant a venue license, and the applicant fail to secure such a license within 6 months of the venue consent being granted from Council, any venue consents issued for a property will be considered void, this includes any existing usage rights (this condition applies to societies operating machines prior to the 17th October 2001 – GA 2003 Clause 83)

3.0 Community Benefit

One of the proposed benefits of gaming machines in the community is increased availability of community funding. In order to monitor the benefits versus harms of local gambling, it is expected that, where gaming machines are operating in the area, operators will be able to identify local recipients of charitable funding directly arising from gambling revenue. It is anticipated that evidence will be available to demonstrate that the funding made available will be comparative to the levels of revenue generated in the local area.

3.1 What this means

Where appropriate, societies already operating machines in the district are required to provide details with their application that outline the recipients of society funding over the last 3 years.

Where applications are received from societies not currently operating machines in this area, evidence of policies aimed at actively returning funding obtained from the district back to the local community, or club members will be considered in lieu of past history.

4.0 Venue Location

Both new Class 4 gambling venues and TAB venues, other than pub TAB agencies must meet the venue location requirements outlined in this policy.

4.1 Zoning

Applications for new Class 4 gambling venue consents will only be considered for licensed premises that meet the requirements of the district plan.

Applications for new stand alone TAB venue consents will only be considered within urban areas zoned for business.

4.2 Community Views

In the interests of protecting long term community wellbeing, the council will only consider applications for gambling venues within 250m of a place of assembly, a community facility, a school, or child care service when the application is accompanied by signed statements from the elected

representatives of such affected organisations, indicating their views on the establishment of the proposed venue.

Where an elected representative of an affected organisation has expressed opposition to the proposed venue, Council will require the affected party and proposed operator to present their arguments to the Hearings Commission.

Council will not grant a venue consent when a statement expressing agreement has not been provided for an affected organisation without good reason

Definitions of the affected parties referred to by these terms are outlined in Section 10.

4.2.1 Exemptions

Class 4 gambling venues applying for an increase in the number of machines operated, who have previously obtained letters of agreement from affected parties are exempt this step of the process. Applicants exempt Section 4 of this process are instead required to comply with Section 7.1.2 and make a public notification of their application.

4.3 What this means

Applicants seeking a venue consent to operate Class 4 gaming machines, a stand alone TAB venue, or seeking to increase the number of gaming machines operated, will need to meet with, and discuss, their proposed applications to their neighbouring facilities and venues. It is at the applicant's discretion whether they perform this requirement themselves or leave it to be done by council within the application process. Where an applicant chooses for council to contact the affected parties on their behalf they will be required to meet any costs incurred.

Affected parties statements of agreement should be provided to Council with any application on the attached template letter (Appendix 2).

5.0 Function

The Act requires council to consider the primary function of a proposed function and states that it should not be a venue with gambling as its primary activity. In consideration of this requirement

5.1 Sale of liquor

Council will require applications for venue consents to be able to provide evidence that the venue is/or will be authorised by the Sale of Liquor Act 1989 to sell and supply alcohol for consumption on the premises.

As Council also considers TAB venues to be appropriate venues for the operation of Class 4 gaming machines, standalone TAB venues are exempt this clause.

5.2 Primary focus

An applicant will be required to provide evidence to the Council that the character and focus of any proposed venue will have activities other than class 4 gambling as their primary focus. This applies to proposed naming,

signage, and the location of the machines relative to other activities. Where a new application is being made a description or business plan of the proposed venue may be required.

5.3 Associated with family and children's activities

Consideration will not be given to proposed venues such as sports clubs, family restaurants or other venues where families and young people aged less than 18 are likely to be present.

6.0 District Machine Limits

In the public consultation conducted for the development of the original policy a strong preference was indicated for maintaining the status quo while allowing room for future growth of the industry. To accommodate this input a district cap has been developed based on the ratio between the over 18 population of the district and the number of gaming machines.

The proposed system will limit both the number of machines a venue can operate and the number of venues available in the district in relation to the population size. While there is some concern that this system may benefit existing venues that have already captured the majority of machines that might come under a district machine cap, it is felt to be the most effective method of addressing community concerns while allowing for future development.

Applications for class 4 gaming venues will be considered based on the ratio of existing machines to the community population aged 18 and over; the preferred ratios are outlined in section 6.3 of this policy.

6.1 Clubs

The sentiments of the community as represented through the public workshops were that Clubs should not be considered differently from public venues for the purposes of gambling venue consents. Therefore this policy does not differentiate between venue types for the purpose of machine limits and venue caps except in the instance of club mergers.

6.2 Relevance

The provisions outlined here apply to organisations applying for, or who sought, licensing subsequent to 17th of October 2001, who are applying to increase the number of machines operated in their venue, or who have failed to hold a class four venue license for the venue in question for the last 6 months.

Operators who are relocating their place of operation to a site that is not already listed on a class 4 gaming license will be required to make application as an operator seeking a new venue consent.

Venues licensed prior to the 17th of October 2001, who have failed to hold a class four venue license for the venue in question for the last 6 months, will be required to apply to Council for a venue consent and will be subject to the conditions of this policy.

Except for the conditions just stated, machine operators who held their license prior to the 17th of October 2001 are not subject to the limitations outlined in this policy. However, the number of machines operated by existing operators will have an ongoing impact on any future licensing in the district due to machine limits imposed through this policy.

Machine operators licensed prior to the 17th of October 2001 are limited by the Gambling Act to 18 machines for that venue.

Where applications are required from venues licensed prior to the 17th of October 2001 who have maintained a valid venue license, they will not be required to operate a lesser amount of machines than they currently operate.

6.3 Venue Ratios:

In the Council's community consultation held to assist in the development of the original policy a strong preference was expressed on the part of the three towns of the district to maintain the status quo of gambling venues and machine density to the current population size. Recognising this preference, the preferred ratio limits between gaming machines in each town and the town's population have been calculated to maintain the current density of gaming machines. As at the implementation of this policy, 201 machines are permitted to operate in the district. Consent will not be granted to allow more than 201 machines in the district unless the population grows by the ratios shown below. These machine limits will also restrict venue ratios in each town.

Regardless of present numbers and population changes this policy allows a maximum of one Board Venue for each township. i.e. Matamata, Morrinsville and Te Aroha.

Each town unit is defined by the Statistics NZ area units, with Morrinsville being the sum of Morrinsville East and Morrinsville West. The Rural area is the sum of Tahuroa, Waitoa, Springdale, Waihou-Walton, Waharoa, Okauia, Te Poi, and Hinuera. If any of these rural areas are developed beyond current population density consideration will be made at the time of the next gambling policy review to consider them as area units discrete from the rural sum.

	Population ¹ Over 18 as at 2006 Census	Number of Machines Permitted to be operating	Ratio Limit (gaming machines to people)
Matamata	4,849	80	1:61
Morrinsville	4,804	56	1:86
Te Aroha	2,929	50	1:59
Rural	9,544	15	1:636
TAB			1:Township ²

¹ Calculating the over 18 population figures from NZ census data is problematic as the categories used have 5 year increments (i.e.15-19 and 20-24). For the purposes of population levels in this instance an approximate has been used by adding 2/5^{ths} of the 15-19 total to the 20+ population.

² Township refers to the three main towns of the district (Matamata, Morrinsville and Te Aroha).

6.3.1 Stand-Down Period

Where a venue license has not been held for a period less than 6 months, the Act does not require an application for a venue license to obtain a new venue consent for the venue.

To avoid inadvertently exceeding the gaming machine ratio as a result of this requirement this policy regards venues as operative for the purpose of calculating venue ratios until they have been closed for a period of 6 months.

6.4 Maximum Numbers of Machines

Council will not approve venue consent for more than 9 machines in one venue. No trial period will be imposed for new applicants.

6.4.1 Club Limits in Case of Merger

Where two or more clubs or societies legally and physically combine their premises onto a site already listed on a class 4 gaming license, and have been individually operating gaming machines for a period not less than a year, Council will agree to venue consent for the sum of the number of gaming machines specified in all of the merging clubs' class 4 venue licences at the time of the application.

However, the combined number of machines should not exceed 18 - in the case of venues that were not on a license on the 17th October 2001 - or 30 machines for venues that were on a license on the 17th October 2001.

6.4.2 Machine Limits Review

The maximum number of machines that the council consider for approval, as well as the number of machines acceptable, will be reconsidered at the time of this policies next review. Increasing these limits will be contingent on the levels of gambling related harm measurable or reported in the district remaining at, or below, current levels.

6.5 What this means:

6.5.1 New Applicants and Applicants to increase number of machines

Council will only approve applications for a new venue consent or an application from an existing venue to increase the number of machines currently allowed under their venue consent when the approval will not result in a ratio of gaming machines to area population greater than that outlined in this policy, and the applicant can reliably demonstrate that they are likely to have minimal negative impact on the surrounding community.

6.5.2 Merging clubs or societies

In the case of a merger where the clubs are moving to one of the existing venues a new venue consent is not required unless the clubs wish to apply to operate more machines than are specified in the existing licenses.

Should clubs merge or relocate into a new venue where they do not currently hold a venue consent, then they will be required to apply for a new venue consent as detailed by this policy. However if consent is granted, the restriction of nine machines (as stated in sections 6.4 and 6.5.1 of this policy)

will not apply if the merging clubs have been individually operating gaming machines for a period not less than a year. The new venue will be allowed to operate the number of gaming machines specified in all of the merging clubs' class four licenses at the time of the application. However the combined number of machines shall not exceed the limits defined in section 6.4.1 of this policy.

6.5.3 Minimal negative impact

Minimal negative impact is seen as a balance between the intrinsic problems that are associated with gambling and the benefits arising from the generation of funding for the community. It would include evidence of harm minimisation strategies and responsible gambling provisions in place by the applicant as well as the evidence of community benefit previously outlined.

7.0 Application

Applications will be made to the Matamata-Piako District Council Environmental Health Officer. Applications should include all relevant documentation and an application fee.

New Applications can be made conjointly with alcohol license applications but will be considered separately.

Council will respond with their decision in 30 days of receipt of an application with all necessary letters of agreement from affected parties as outlined in section 2.0 of this policy.

Where objection is raised from an affected party or the applicant has been exempt Section 4.0, the applicant will be required to make a public notification of their application and a public hearing of submissions will be held.

7.1 Opposition

In the interest of maintaining democratic participation in Council decision making any objection to a venue consent being granted will be heard by the Council's Hearings Commission.

7.1.1 Public Notification

If an objection is raised to the proposed venue consent, or an applicant been exempt Section 4.0, the applicant will be required to make a public notification of the application inviting submissions. This opportunity for submissions will be open for 15 working days³ after which submitters, objectors and applicant will be notified of the location and date of a hearing.

Public notification involves an advertisement in the relevant community newspaper stating the Venue site and address, the name of the Operator and the Society making application, the Number of machines currently held and number applied to hold, and the date submissions close.

³ The term working day does not include Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, Sovereign's Birthday & Waitangi Day or any day in the period commencing with the 20th December in any year and ending with the 15th Day of January in the following year.

7.1.2 Conditions to oppose

Hearings will be granted when a member of the community has grounds to believe that the conditions of Council's gambling policy are being breached..

Places of Assembly, Community Facilities, Schools and Childcare facilities as outlined in section 4.0 may oppose an application on the grounds that it is offensive or detrimental to those who attend or utilise their venue.

Objections based on the applicants character, business ethics and other aspects relevant to the ongoing operation of a gambling venue are not issues to be considered by Council and will be referred to the Department of Internal Affairs licensing officer.

7.2 Charges

An application fee of \$200 is required with any application. The fees of application are charged at a rate of \$70 per hour with an average application requiring 3 hours processing. Should an application require more or less time than this further cost will be charged or refunded to the applicant as appropriate.

8.0 Review and Monitoring

This policy will be reviewed within 3 years of its adoption by Council.

Any review will consider the growth and spread of gambling as a recreational activity in the district and the incidence of problems or benefits arising from its presence.

The review will specifically examine the quota formulae and the district caps this level imposes on the number of gaming machines in the district. Criteria to increase or decrease any district limits on venues or the numbers of machines per venue will be based upon an evaluation of the evidence of harms or benefits arising from gambling.

9.0 Definitions

Some definitions were seen as useful to clarify the intent, purpose and meaning of this policy.

9.1 Venue

A venue for the purpose of this document refers to the definition in the Gambling Act 2003 of 'Place'

"place" includes—

- (a) a building, structure, or tent, whether fully or partly constructed; and
- (b) a room in a building or structure; and
- (c) a court or a mall; and
- (d) land; and
- (e) a vehicle, vessel, or aircraft; and
- (f) a caravan or a trailer or other conveyance

A subset of this definition should not be used to allow increased quotas of gaming machines by expanding the venues available to an operator (i.e. venue should not be considered as a room for the purpose of quotas when

more than one room in the same building is intended for gambling purposes – for the purposes of this policy the most inclusive consideration of venue is intended).

This definition is not intended to prohibit operators maintaining separate venues, providing all other aspects of this policy are adhered to, and the venues can be considered separate and individual places of operation.

9.1.1 Clubs

For the purpose of this policy the term ‘Clubs’ refers to a voluntary association of persons combined for a purpose other than personal gain.

9.1.2 Public Venue

For the purpose of this policy ‘Public venue’ refers to a venue that is not a Club and is either licensed or applying for a licence to operate class 4 gaming machines.

9.2 Affected Parties

For the purposes of this document, the definitions used for place of assembly, community facility, school, and child care service are those defined in Section 15 of the Matamata-Piako District Plan.

9.2.1 Place of assembly:

The term place of assembly means land or buildings for the purposes of the congregation of people for deliberation, entertainment, cultural, recreation or similar purposes and includes, but is not necessarily limited to, churches, halls, community facilities, funeral chapels including crematorium on the same site, clubrooms, taverns, restaurants, art galleries, theatres, sports fields, and tourist facilities.

9.2.2 Community Facility:

The term community facility refers to any facility owned or used by the community for recreation, sport, cultural or community purposes, on a non-commercial or non-profit making basis. It includes halls, churches, may include theatres, libraries, museums and galleries but does not include public utilities and services, racecourses, amusement and wildlife parks, showgrounds and accommodation facilities

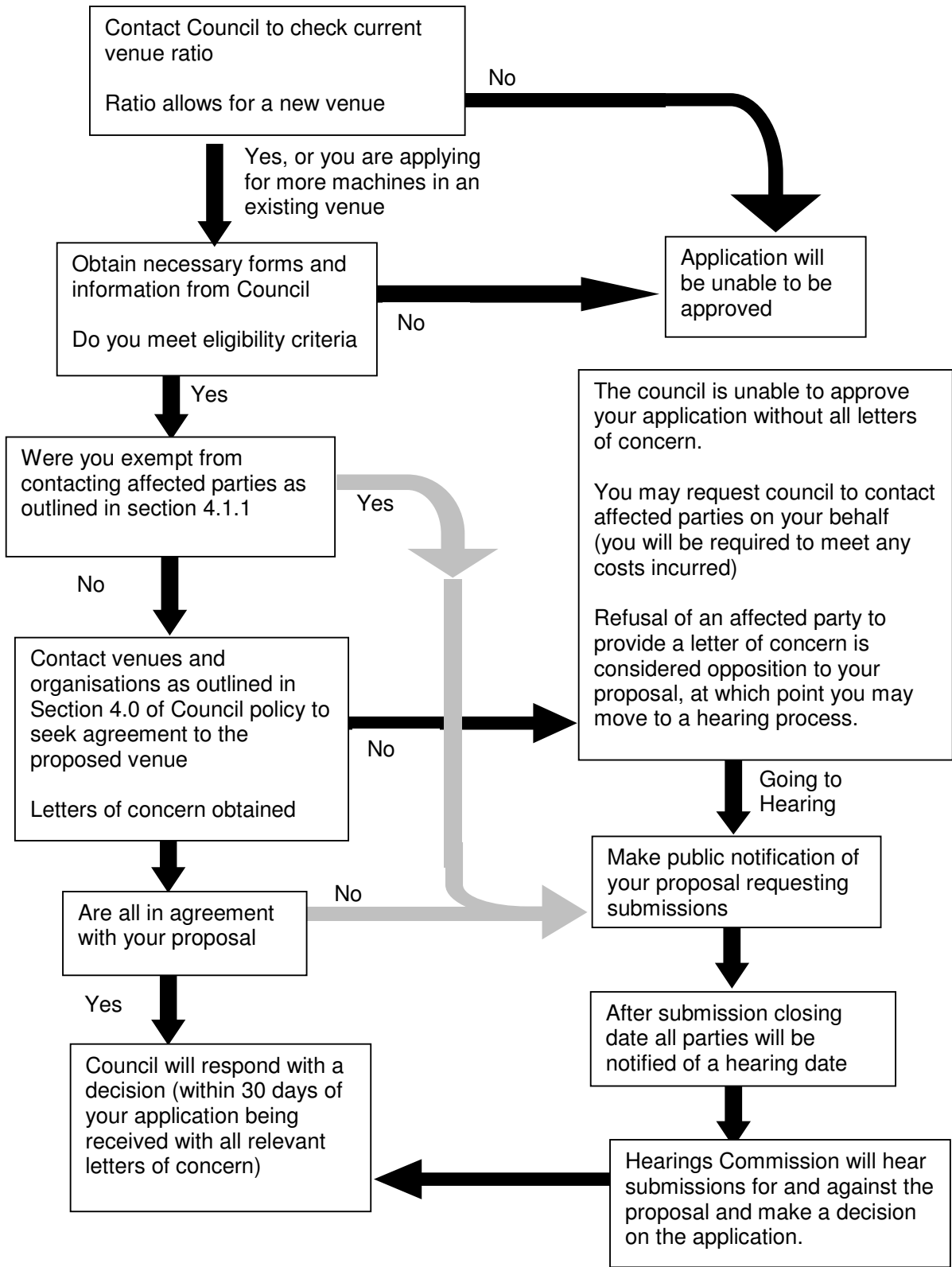
9.2.3 School:

School refers to land and/or buildings used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, works skills training centres, outdoor education centres and sports training establishments.

9.2.4 Child care services:

The term child care services refers to land and/or buildings used to provide caring services for children under 6. This includes but is not limited to kindergartens, crèche, preschool, day-care, and kōhanga-reo.

Appendix 1: Application Process Flowchart



Appendix 2: Affected Parties Letter of Concern

Class 4 Gambling Venue Consent

AFFECTED PERSONS RESPONSE

The following application for a class 4 gambling venue consent is to be lodged with the Matamata-Piako District Council by _____
(Full name of applicant)

It is proposed to operate: _____ Class 4 (Pokie) machines at:

(Provide Address of venue where machines will be operating)

We currently operate: _____ Class 4 (Pokie) Machines at this venue

As an Affected Party, Council requires you to have a chance to consider the effect this application may have on you or your organisation (if you are unsure you should seek advice). If you approve of the application the Council cannot take into account any effect of the application on you when it considers the application. (If the application is publicly notified you may, however, make a submission in support of or against the proposal).

Please sign and date the plans indicating any concerns or support you may find with the proposed application:

Your name: _____ **Signature:** _____

Group, organisation or constituency you represent: _____

Your address: _____

Contact Phone No: _____

Date: _____

Your Response: In Favour / Opposed (Please circle the appropriate response)

Comments: _____

(Please include any further comments you may have for or against this proposal on the back of the form)

If you have any queries you can contact the Environmental Health Officer at Matamata-Piako District Council, Kenrick Street, Te Aroha, Telephone 07-884-0060