



te kaunihera ā-rohe o
matamata-piako
district council



DRAFT

Gambling Venue Policy 2022

For Consultation: 14 March to 19 April 2022

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1. Introduction

1.1 Purpose

Matamata-Piako District Council's Gambling Venue Policy (Policy) sets out regulations for the provision of class 4 gambling in the Matamata-Piako district (District). This Policy is a requirement of, and complies with, the Gambling Act 2003 (the Act) and provides a policy framework for *class 4 venue consent* applications.

This Policy sets out Matamata-Piako District Council's (Council) responsibilities in relation to class 4 venues within the District.

The Act states that a class 4 gambling 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 a class 4 venue; and
- c. **may** include a relocation policy.

1.2 Objective

The intention of this Policy is to balance the need to minimise harm from gambling, by setting a cap on the number and location of class 4 venues and machines, and to acknowledge the role of funding from gambling trusts in supporting community wellbeing.

The objectives of this Policy are to:

- a. have regard to the social impacts of gambling, including the cumulative effect of gambling in the District,
- b. acknowledge the role of funding from corporate societies in supporting community wellbeing;
- c. control the growth of class 4 gambling in the District, whilst allowing those who wish to participate in class 4 gambling to do so;
- d. facilitate local community involvement into the provision of new class 4 gambling consents.

1.3 Definitions

Unless stated below, all definitions used are as defined in the Act. The following definitions are provided to clarify the intent, purpose and meaning of this Policy and are aligned with those in the Matamata-Piako District Plan.

Affected Party - refers to the following located within 250 metres of a venue or a proposed venue:

1. *Community facility* - means 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.
2. *Education facility* - means 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.
3. *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.

Class 4 Venue Consent - in this context refers to Council written approval.

Venue - For the purpose of this Policy, a venue refers to the definition in the Act of 'Place'. A subset of this definition shall not be used to allow increased quotas of gaming machines. For example, a room will not be considered a venue 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 does not prevent operators from maintaining separate venues, providing all other aspects of this Policy are adhered to and venues can be considered separate and individual places of operation, requiring separate *class 4 venue consents*.

2. Provision of Class 4 Gambling

2.1 Class 4 venues may be permitted

2.1.1 Class 4 venues are permitted to operate in the District subject to the regulations stated in this Policy and relevant legislative requirements.

2.2 Class 4 venue and gaming machine cap

2.2.1 This Policy sets a maximum cap of class 4 venues and gaming machines that are allowed to operate with the current ratios of machine per person over 18 calculated using 2021 population estimates.¹

2.2.2 The cap allows for moderate growth whilst addressing community concerns regarding the potential harms of class 4 gambling. The number of allowable venues and gaming machines has remained the same since 2017. Therefore, over time the ratio of gaming machines per person is decreasing.

Town²	Maximum number of venues	Venues to adults over 18 at max. cap³
Matamata	5	1:1,373
Morrinsville	4	1:1,617
Te Aroha	4	1:919
Rural	2	1:5636
District	15	1:1885
Town²	Maximum number of machines	Machines to adults over 18 at max. cap
Matamata	80	1:86
Morrinsville	56	1:116
Te Aroha	50	1:74
Rural	15	1:751
District	201	1:141

¹ Population has been calculated using 2021 Statistics NZ population estimates. An approximate figure to determine adults over 18 has been calculated by adding 2/5ths of the 15-19 population to the 20+ population.

² Each town is defined by the Statistics NZ Statistical Area 2 (SA2), with Matamata being the sum of Matamata North and Matamata South, Morrinsville being the sum of Morrinsville East and Morrinsville West, and Te Aroha being the sum of Te Aroha East and Te Aroha West. The rural area is the sum of Tahuna-Mangateparu, Mangaiti, Tatuanui, Waihou-Manawaru, Tahuroa, Waitoa-Ngarua, Richmond Downs-Wardville, Waharoa-Peria, Hinuera Okauia and Te Poi.

³ Note that clubs also have gaming machines. Clubs are voluntary associations for persons combined for a purpose. It is important to note that the structure of these clubs means that only members or invited guests are allowed to utilise the facilities including gaming machines. Therefore, these figures must be read noting that of the 38 machines in clubs across our district, they are not accessible to all over 18's. This does not affect the cap set above.

2.3 Maximum number of gaming machines allowed

2.3.1 New class 4 venues shall be allowed a maximum of no more than nine (9) gaming machines.

2.3.2 A venue that held a venue consent on 17 October 2001 and has not been without a venue consent for a period of six months or more, may operate up to a maximum of 18 gaming machines.

2.3.3 The actual total number of gaming machines that venues are allowed to operate is dependent on the number of notified machines to the Department of Internal Affairs (DIA) as at 22 September 2003. If this is less than 18, operators will be required to seek consent from Council to increase the number of machines to the potential maximum of 18.

2.3.4 Relocation of class 4 venues

2.3.5 Council will consider granting consent for the relocation of existing class 4 venues under the following circumstances:

- a. the premises cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to, natural disaster, fire, or the premises is unfit to continue to operate.
- b. the premises wish to move to a more appropriate venue within the same or lower deprivation area.

2.3.6 The maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect 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.⁴

2.3.7 Council will take into consideration the social impact of gambling on high deprivation areas⁵ as well as all other considerations applicable for applying for a new venue consent as determined by this Policy.

2.4 Merging of clubs

2.4.1 This Policy does not differentiate between venue types for the purpose of venue and machine limits except in the instance of club mergers as detailed in section 2.5.

2.4.2 Where two or more clubs legally and physically combine their premises onto a site already listed on a *class 4 venue consent*, and have been individually operating gaming machines for a period of more than one year, the maximum number of nine machines will not apply.⁶

2.4.3 Where clause 2.5.2 applies, Council may agree to venue consent (subject to all other requirements in this Policy) for the sum of the number of gaming machines specified in all of the merging clubs' *class 4 venue consents* at the

⁴ Pursuant to section 97A of the Act.

⁵ Deprivation levels will be based on the NZDep 2018 Index of Deprivation or any subsequent update/revision.

⁶ Subject to Ministerial approval, as per section 95 of the Act.

time of the application. However, the combined number of machines shall not exceed 18 in the case of venues that did not hold a venue consent on 17 October 2001 or 30 machines for venues that held a venue consent on 17 October 2001.⁵ The combined number must not exceed the cap stated in this Policy.

2.4.4 Should two or more clubs merge to a new venue where they do not currently hold a *class 4 venue consent*, they would be required to apply for a new *class 4 venue consent*. For the avoidance of doubt, applicants must comply with all other conditions of this Policy.

2.4.5 The DIA must cancel the previous licences and held, and no application can be made in relation to those venues six months after the cancellation.⁷ Following this, new *class 4 venue consent* will be required.

2.5 Applications

2.6 Consent requirements

2.6.1 Corporate societies or clubs responsible for the operation of class 4 gaming machines must obtain *class 4 venue consent* from Council under the following circumstances:

- If a corporate society or club applies for a *class 4 venue consent* and consent has not been held by any corporate society or club for the venue within the last six months;
- If a corporate society or club proposes to increase the number of gaming machines at a class 4 venue;
- If a corporate society proposes, in accordance with clause 2.4 of this Policy, to relocate to a different venue than to that which its current *class 4 venue consent* applies;
- If two or more clubs propose, in accordance with clause 2.5 of this Policy, to merge.

2.6.2 New applications for *class 4 venue consents* are limited to a maximum of nine (9) machines in one venue. Existing venues applying to increase the number of gaming machines, who have held a venue consent since 17 October 2001⁸, are limited to a maximum of 18 machines in one venue. Venue consents will only be considered if there is capacity within the venue and machine caps as stated in this Policy.

2.6.3 Where a licence issued by the DIA has been lapsed for six months or less, applicants are not required to obtain a new *class 4 venue consent* within this timeframe. To avoid inadvertently exceeding the venue and machine caps as a result of this requirement, this Policy regards venues as operative until they have been closed for a period of six months.

⁷ As per Section 95(6) of the Act.

⁸ If a venue has been without a venue consent for six months or more, they will require a new consent and will be restricted to a maximum of nine (9) gaming machines.

- 2.6.4** Where an applicant fails to secure a consent from the DIA within six months of *class 4 venue consent* being granted by Council, consent will be considered void.
- 2.6.5** Gambling must not be the primary activity undertaken at a venue. Applicants will be required to provide evidence that 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.
- 2.6.6** Applications for new *class 4 venue consents* will only be considered for premises holding a current alcohol licence. If Council has a Local Alcohol Policy in force at the time, then the most restrictive of the Policies will prevail. Standalone TAB board venues are exempt from this clause as no alcohol licence is held for those premises.
- 2.6.7** The location of a new class 4 venue must meet the requirements of the Matamata-Piako District Plan. Council's preference is that class 4 gambling occurs within premises located within the Business Zone. Where an application is made to locate outside of the Business Zone under the Matamata-Piako District Plan, the application will be considered on a case-by-case basis.

2.7 Application requirements

- 2.7.1** Application to Council for a new *class 4 venue consent* to increase the number of class 4 gaming machines, or in the instance of a proposed relocation or merger, must be made on an approved application form (available on the Council's website) and must include:
- a. name and contact details for the application;
 - b. street address of premises proposed for the *class 4 venue consent* or additional gaming machines;
 - c. the names of management staff;
 - d. a copy of the approved gambling harm minimisation policy, the staff training programme, and the applicants host responsibility programme;
 - e. evidence of the distance to the locations stated in clause 3.2.2 of this Policy;
 - f. details of the sale and supply of alcohol licence(s) applying to or proposed for the premises;
 - g. signed *affected party* responses in the form prescribed by Council from the authorised representatives of *affected parties*, indicating their views on the proposal;
 - h. recipients of corporate society funding over the last three years, where applicable, or evidence of policies aimed at actively returning funding obtained back to the local community or club members.

- 2.7.2** Prior to submitting an application to Council for new gaming machines⁹, applicants are required to discuss the proposed application with *affected parties* located within 250 metres of the venue or proposed venue. The application must be accompanied by signed *affected party* responses. Council can undertake this process at the applicants request and contact affected parties on their behalf. Council can also assist in identifying *affected party* locations. The applicant will be required to meet any associated costs incurred by Council.
- 2.7.3** If written approvals are not obtained from all *affected parties*, and one or more of the *affected parties* requests the opportunity to speak to their views and perspectives of the granting of the consent at a hearing, a hearing date and time will be arranged.
- 2.7.4** If written approvals are obtained from all *affected parties*, then a hearing is not required. If neutral responses are received, this will not trigger the requirement for a hearing.
- 2.7.5** Application will be determined at a hearing undertaken by the delegated body or person approved by Council¹⁰. In the event that no hearing is required, the consent will be determined by the Chair of that Committee on the papers provided.

2.8 Consideration of applications

- 2.8.1** The delegated body or person approved by Council shall consider all applications for *class 4 venue consents* received.
- 2.8.2** The delegated body or person approved by Council, shall suspend consideration of, or refuse consent where any part of the application falls outside of this Policy.
- 2.8.3** Without limiting the right to consider and determine an application for *class 4 venue consent* on any relevant issues, the delegated body or person approved by Council may suspend consideration of, or refuse consent under the following circumstances:
- a. any necessary resource consent has not been issued;
 - b. the applicant cannot demonstrate that the opportunity for people under 18 to gain access to gambling machines is minimal;
 - c. the Council delegated body believes the proposed venue site is not in accordance with clause 3.4 of this Policy.
 - d. any other circumstances where it considers further information is required.

⁹ This includes both existing and new venues.

¹⁰ Refer to Council Delegations Policy and Register for delegated body.

2.8.4 Council will respond with their decision within 30 working days of the receipt of an application with all necessary documentation including the required signed *affected party* approvals. If the applicant requests Council to undertake this on their behalf, the 30 working day timeframe will commence from the date of the completion of this process.

2.8.5 If it is determined that a hearing is to be held, Council will advise of its decision within 15 working days following the date of the hearing.

2.9 Social considerations

2.9.1 Due to the associated harms resulting from class 4 gambling, consideration will not be given to proposed class 4 venues where families and young people under 18 are likely to be present. Examples include, but are not limited to, sports clubs and family restaurants.

2.9.2 Applicants must reliably demonstrate that they are likely to have a minimal negative impact on the surrounding community. Minimal negative impact is seen as a balance between the intrinsic problems that are associated with gambling, and the benefits of funding to the community, and would include evidence of harm minimisation strategies, responsible gambling provisions in place, and evidence of local community benefit.

2.9.3 Corporate societies already operating machines in the District, requesting to increase the number of gaming machines, will be required to outline recipients of society funding over the last three years. Where applications are received from societies not currently operating machines in the District, evidence of policies aimed at actively returning funding obtained back to the local community or club members will be provided.

2.9.4 Council will consider any new applications in respect to the proximity to other gambling opportunities in the surrounding area, and has the right to refuse consent on this basis.

2.9.5 Class 4 gambling venues must not allow any gambling activity to be visible to passing pedestrian traffic.

3. Monitoring, Measurement and Review

3.1.1 Members of the public with concerns in relation to the ongoing operation of a gambling venue may direct these to the Department of Internal Affairs as the regulator of the Gambling Act 2003.

3.1.2 This Policy will be reviewed within three years of its adoption by Council. The 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. 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.

3.1.3 As part of the Council's commitment to involving communities in pertinent issues, Council recognises that gambling is an issue of interest to our community. Members of the public are invited to submit their views on the Policy and provision of gambling in the District as part of the Policy review.

3.1.4 Council will produce a Social Impact Assessment at the time of each review to ensure the availability of up to date resources and literature to the local community and local agencies interested in this topic.

4. Relevant Documents and Legislation

- Social Impact Assessment of Gambling in the Matamata-Piako District 2021
- Gambling Act 2003
- Local Government Act 2002