

Draft TAB Venue and Gambling Venue Policies

Statement of Proposal – May 2022

1. Introduction

Southland District Council is reviewing its TAB Venue Policy and its Gambling Venue Policy.

The TAB (formerly Board) Venue Policy is about racing/sports betting venues and the Gambling Venue Policy is about venues that have electronic gaming machines (pokies).

Council is seeking feedback on the draft policies over a submission period that will run from 8am 13 May 2022 to 5pm 13 June 2022. People who make a written submission can request to also make an oral submission to Councillors.

2. Background information

What is required?

The Gambling Act 2003 and Racing Industry Act 2020 control gambling within New Zealand. This legislation focusses on ensuring that the harm that gambling can cause is minimised, and that the community benefits from the proceeds of gambling.

These acts require councils to have policies on TAB venues and gambling venues.

A TAB venue policy must specify whether or not new TAB venues may be established in a district and, if so, where they may be located. TAB venues are owned or leased by the TAB New Zealand (formerly New Zealand Racing Board) and the main business carried out at the premises is providing racing-betting or sports-betting services. A TAB venue policy does not relate to TAB outlets in pubs and clubs - only stand-alone TAB venues.

A gambling venue policy must specify whether or not gambling machine venues (venues that have ‘pokie’ machines that are not a casino) may be established in a district and, if so, where they may be located. Councils can also specify any restrictions on the maximum number of gaming machines that may be operated at a gambling machine venue, and any policy on relocating gaming machines.

Social impact of gambling

Council has considered the social impact of gambling in the Southland District when developing these policies. Some key facts identified include:

- the number of electronic gambling machines in the District has reduced by 34% between 31 March 2013 and 30 September 2021 (133 machines down to 88)
- there are currently no TAB venues in the Southland District
- a number of the gaming machines in the District are in towns that have high deprivation index scores
- gambling has benefits to the community through its contribution to community funding
- gaming machine proceeds in the Southland District, and the proportion generated in the Southland District relative to the rest of New Zealand, are reasonably stable. The proceeds generated have

been decreasing slightly over the last eight years although this has been impacted by Covid-19 lockdowns in 2020 and 2021.

3. What is proposed?

Council's draft TAB and Gambling Venue policies are included with this proposal as attachments A and B.

The draft policies are largely the same as Council's current policies - there have only been minor changes to wording such as replacing references from board to TAB for consistency with the updated legislation in the Racing Industry Act 2020, rather than changes to policy content.

The draft TAB Venue Policy states that any new stand-alone TAB venue must comply with the provisions of the Southland District Plan. There are zoning restrictions in the plan that would impact factors such as whether a resource consent would be required for a TAB venue, and the permitted opening hours, lighting etc that would apply in particular zones.

The draft Gambling Venue Policy maintains a 'soft sinking lid' approach to electronic gambling machines. This soft sinking lid approach allows venues to continue operating existing machines, but it does not permit licences for new machines. The draft policy also states that if a venue closes, the licence to have machines can be transferred to another venue.

4. The reasons for the proposal

The main reasons for this proposal are to:

- meet the requirements of the Gambling Act 2003 and the Racing Industry Act 2020 for a 3-yearly review of the policies
- seek feedback on the policy approach from the community
- where appropriate, update the policies and refine wording/formatting.

5. How to have your say

Anyone can make a submission online at <https://www.southlanddc.govt.nz/my-council-/have-your-say/>. Submissions will be accepted from 8am on 13 May 2022 and must be received by 5pm on 13 June 2022.

All submissions should state:

- the submitter's name
- the submitter's contact details
- whether or not the submitter would like to speak to Council about this matter.

If you need help submitting please contact Council at 0800 732 732, or call in to one of Council's offices. All written submissions made to Council will be acknowledged and made available to the public.

Council intends to hold a hearing on this matter on 22 June 2022. This is when anyone who has made a written submission and who has said they would like to speak to Council, can do so at a Council meeting. This meeting is open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing. If at the hearing you have any

requirements, such as that you would like to speak via video conference or you would like to use sign language, please let us know.

6. Timetable for consultation

The dates below outline the timetable for the consultation process. Any changes to these dates will be publicly advised on Council's Facebook page and website.

Date	Activity
11 May 2022	Council adopts the proposal for consultation
13 May 2022	Consultation period begins (8am)
13 June 2022	Consultation period ends (5pm)
22 June 2022	Oral submissions heard by Council (at Council offices, 15 Forth St, Invercargill)
13 July 2022	Council considers and adopts the draft policies

7. Options

Council has two possible options on how it could proceed. These are to:

- option 1 – adopt the draft policies, or
- option 2 – adopt amended policies (this may be adopting a more restrictive or a more liberal approach to TAB venues or gambling venues)

The advantages and disadvantages of these options are outlined below.

Option 1 – adopt the draft policies

Advantages	Disadvantages
<ul style="list-style-type: none">• the soft sinking lid approach assists in the gradual decline of electronic gaming machines, which may contribute to a reduction in gambling related harm• balances the harm that can be caused by gambling with the benefits the money from gambling can bring to people in the District• Council is legislatively required to have policies on TAB and gambling venues and the current policies are legally compliant• the draft TAB and Gambling Venue policies are consistent with the approach of other territorial authorities within the Southland Region	<ul style="list-style-type: none">• amended policies may better reflect community/stakeholder views• amended policies may strike a better balance between the harm that can be caused by gambling and the benefits the money from gambling can bring to people in the District.

<ul style="list-style-type: none"> • this option will enable staff to progress and meet the requirement to review the policy by 21 August 2022. 	
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Option 2 – adopt amended policies (this may be adopting a more restrictive or a more liberal approach to TAB venues or gambling venues)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • amended policies may better reflect community/stakeholder views • Council is legislatively required to have policies on TAB and gambling venues • this option will enable staff to progress and meet the requirement to review the policy by 21 August 2022. 	<ul style="list-style-type: none"> • amended polices may not strike a balance between the harm that can be caused by gambling and the benefits the money from gambling can bring to people in the District.

Attachment A

Draft TAB Venue Policy

TAB Venue Policy

Group responsible: Regulatory Services

Date approved: 21 August 2019

Date amended:

File No:

1 Objectives

The objectives of this policy are to:

- outline whether or not new TAB venues may be established in the Southland District and, if so, where they may be located, and
- facilitate community involvement in decisions about gambling.

2 Definitions

Definition	Meaning
TAB New Zealand	Means the body established to conduct racing betting, sports betting, or other racing or sports betting under the Racing Industry Act 2020
TAB venue	Means premises that are owned or leased by the agency and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Industry Act 2020

3 Policy

Southland District Council (Council) does not have any additional requirements to regulate the operation or location of TAB venues, other than those contained in the District Plan under the Resource Management Act 1991.

4 Commencement

Council has adopted this policy after completing the special consultative procedure outlined in the Local Government Act 2002.

This policy is effective from XX XXXXX 2022.

5 Review

Council will review this policy within three years of it being adopted.

Attachment B

Draft Gambling Venue Policy

Gambling Venue Policy

Group responsible: Regulatory Services

Date approved: 21 August 2019

Date amended:

File no:

1 Introduction

The act came into force on 18 September 2003. Under section 101 of the act, Council is required to adopt a policy to regulate the number and location of non-casino electronic gaming machines (Class 4), more commonly known as pokie machines.

At 30 September the Southland District had 14 Class 4 gaming venues and 88 electronic gaming machines. Council has the ability to limit the number of locations and venues and the number of electronic gaming machines, and must have regard to the social impact of gambling in developing its policy. As required under the act, this policy only applies to gambling venues licenced after 17 October 2001, or to other venues licenced prior to this if they wish to increase the number of electronic gaming machines.

2 Definitions

Definition	Meaning
Act	The Gambling Act 2003
Class 4 gambling	Means any activity that involves the use of a gaming machine outside a casino, and may be conducted only by a corporate society and only to raise money for authorised purposes
Class 4 gambling venue	Means a place used to conduct Class 4 gambling ie premises with Class 4 gaming machines licenced under the Gambling Act 2003. This includes any TAB venue with gaming machines

Definition	Meaning
Corporate society	Means a society that is: <ul style="list-style-type: none"> (a) Incorporated under the Incorporated Societies Act 1968 (b) Incorporated as a board under the Charitable Trusts Act 1957 or (c) A company incorporated under the Companies Act 1993 that: <ul style="list-style-type: none"> (i) Does not have capacity or power to make a profit; and (ii) Is incorporated and conducted solely for authorised purposes Corporate Societies may therefore include clubs (RSA, sports clubs etc), trusts and racing clubs
DIA	Means the Department of Internal Affairs
Southland District	Means all the area covered by the Southland Territorial Local Authority
New venue	Means any venue that has not held a Class 4 venue licence for six months or more, or that has never held a Class 4 venue consent
Council	Means Southland District Council

3 Objectives

This policy has the following objectives:

- to assist in limiting the harm of problem gambling in the community
- to encourage responsible gambling practices and attitudes in Class 4 venues
- to reduce the number of electronic gaming machines in the community over time
- to facilitate community involvement in decisions about gambling by ensuring that all communities in the Southland District are given the opportunity to consult with Council in a manner that is culturally appropriate.

4 Restrictions on venue and machine consents

Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines, including Class 4 machines in TAB venues, under this policy.

A gambling venue consent is for one venue (one premises) and is not transferable to another venue, unless consent is obtained from Council as provided for in Clause 5 below. The consent is given to a venue at a given address, not to a person or business.

Once a venue ceases to operate, the machine numbers will not be allocated to any new or existing venue except as specified in Clause 5 below.

Council will not provide a consent under sections 95(1)(f) or 96(1)(e) of the act to any application by corporate societies with Class 4 licences seeking ministerial discretion to increase the number of gaming machines permitted at a venue, except as provided in Clause 5 below.

5 Transfer or changes to existing venues and machine consents

If the owner of the principal business of the venue changes, Council consent remains allocated to the venue. The new owner is not required to obtain a Council consent but a new licence may be required from DIA.

Council will consent to the transfer of a licence from an existing venue to a new venue where the venue will be operated by the same corporate society, and subject to a social impact study. 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.

Two or more licensed Class 4 clubs in the Southland District may apply to Council to merge and increase the number of machines that can be operated at a venue, subject to a social impact study. Council consent will only permit the maximum number of gaming machines to be the sum of the number of gaming machines specified in all of the corporate societies' (the clubs that are merging) Class 4 venue licences at the time of application.

Substitute venues may only be established if:

- the vacated site will not be able to be used as a Class 4 venue; and
- Council considers that the location of the new venue is suitable, taking into account the matters referred to in section 101(4) of the act.

Council may arrange its own peer review of any social impact study provided, at the applicant's cost.

6 Visual and sound

Only one sign may make reference to the existence of Class 4 gambling, and may be visible from the street or other public space. This sign shall not mimic or replicate the operation of gaming machines.

No other sign shall promote or identify the existence on site, of gaming machines.

Advertising signs and activities within the building, associated with the operation of gaming machines, shall not be visible from beyond the property boundary.

The operation of gaming machines shall not be audible from beyond the venue property boundary.

7 Encouraging responsible gambling practices

Two of the stated purposes of the act are to “prevent and minimise the harm caused by gambling, including problem gambling” and to “facilitate responsible gambling”.

Enforcement and monitoring of gambling venues is the responsibility of the DIA.

Regulations made under the act set out:

- what constitutes an unsuitable venue
- requirements and restrictions regarding gambling machines

- requirements of venues to provide information about problem gambling
- requirements of venues to provide problem gambling awareness training to staff.

Council consent for a venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4 licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented venues and cannot impose conditions subsequently on any venue that has an existing licence.

Council is supportive in general of initiatives and actions that would help to ensure there is a balanced gambling environment where potential harm is managed effectively, and where those who wish to gamble can do so safely. In this regard, Council encourages responsible gambling practices as outlined in Appendix 1.

Where Council has concerns about the operation of existing gambling venues these will be reported to DIA. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.

The provision of information by the venues about problem gambling is required under the regulations and is a key way of promoting responsible gambling. Where Council has concerns about a venue in this regard, it will be reported to DIA.

8 Applications for consent

All applications will incur a fee which will be prescribed by Council pursuant to section 150 of the Local Government Act 2002.

Council will publicly notify applications for Class 4 Gambling Venues and allow for public submissions to be lodged.

Applications for consent by Council must be made to Council on the prescribed form and include:

- name and contact details of the applicant
- names of venue management staff
- street address of premises being relocated and new proposed address
- fees
- details of design and layout to demonstrate how the venue will comply with part six of this policy
- any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

The decision will be made at staff level pursuant to delegated authority and based on the criteria detailed in this policy, except where any matter of opposition is raised in a public submission, in which case the application will be heard and determined by Council.

9 Commencement of policy

This policy has been adopted by Council following the special consultative procedure prescribed by the Local Government Act 2002.

This policy is effective from XX XXXXX 2022.

10 Review of policy

Council will review this policy within three years of it being adopted.

Appendix 1 Encouraging responsible gambling practices

Best practice	Supporting action
Host Responsibility and Harm Minimisation Policy	The applicant has in place a Host Responsibility and Harm Minimisation Policy. The policy conforms to best practice as set out by national guidelines or standards should these become available.
Location of gaming machines	Electronic gaming machine sites should be located so that: <ul style="list-style-type: none"> • the facility is ancillary to a principal business and is not the primary purpose of the site • the facility is separate from the area of the principal business so that the legal age limit of 18 can be observed and enforced.
Staff training programme or activities	The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation Policy. The programme provides information on: <ul style="list-style-type: none"> • the potential effects of gambling on customers • the identification of problem gambling traits • the processes for approach, intervention and follow up for patrons with suspected problem gambling • identification practices for patrons appearing under 25 and actions to be followed • systems in place to support self-barring • recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling • systems to be followed if children are left unattended in premises or nearby premises.
Policy on under age access to gambling machines	The licensee must ensure that appropriate signage is in place indicating age restrictions so that this is visible at every gambling machine and at the point(s) of entry into the gambling area. Policy on identification checks for patrons appearing under 25. Staff training on identification of patrons appearing under 25 and actions to be followed.
Provision of problem gambling information	The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services. Gambling help line phone number information is placed on or near all gambling machines. Additional material on problem gambling and help services displayed in at least one other area within the premises, situated near to gambling machines.
Clocks are visible in premises	The licensee ensures that clocks are visible from gambling machines.
There is good visibility where gambling machines are located	Natural or artificial light illuminates the area where gambling machines are located at all times when machine are in operation.