

**PALMERSTON NORTH CITY COUNCIL
DRAFT GAMBLING POLICIES 2023**

STATEMENT OF PROPOSAL

Introduction

The Council is required to have policies to determine whether and how it will give consent for class 4 gambling venues and gaming machines, and TAB venues. We have reviewed these policies and propose some amendments.

We propose to make a significant change to the draft Class 4 Gambling Venue Policy, by introducing a "sinking lid." This means that consent would not be given for any new class 4 gambling venue or for any additional machines in existing venues.

We do not propose to make any significant changes to the draft TAB Venue Policy. All the proposed changes are minor, reflecting the new legislation and name for the TAB (previously the NZ Racing Board).

Details of the changes in each policy are set out in the following section.

The Proposal

Class 4 Gambling Venue Policy

The most significant proposed change is the introduction of a "sinking lid" for venues and gaming machines, instead of a fixed cap (the current approach), by changing clauses 4.1 and 4.2. These proposed new clauses now state that no consent will be granted for any new class 4 venues or for any additional class 4 gaming machines in an existing venue.

Clause 4.3, which provides the conditions under which consent will be granted for a venue to relocate to a new location, has been reworded. This amended clause now provides greater clarity on the circumstances which would qualify for consent under this policy, for instance the closure of their premises due to a natural disaster.

Other minor changes are included in the draft policy, to reflect changed wording (for instance, TAB Venue in place of NZ Racing Board Venue). Clause 8, which provides a balloting procedure (where two applications are received at the same time) is removed as this is no longer needed.

TAB Venue Policy

The only changes proposed to this draft policy are minor, to reflect that the Racing Act has been replaced by the Racing Industry Act 2020 and the NZ Racing Board is now known as the TAB NZ. There are no significant changes proposed to this policy.

Reason for the proposal

The Council is required to review its policies under the Gambling Act 2003 and the Racing Industry Act 2020 every three years. The previous review was completed in 2017. The current review was delayed by the impact of the Covid-19 pandemic.

The Council completed a social impact assessment of gambling as part of the review of these policies. That assessment noted:

- The number of class 4 gaming machines in Palmerston North has declined steadily, as has the number of class 4 venues. However, the amount gambled on class 4 gaming machines in Palmerston North is increasing, despite fewer machines being available for gambling.
- The most popular form of gambling in NZ is Lotto and associated products such as Instant Kiwi, followed by online gambling (overseas websites). Just under 11% of people report gambling on class 4 gaming machines. Problem gamblers are approximately four times more likely to report class 4 gambling as their primary method of gambling as other forms of gambling.

Limiting the availability of class 4 gambling opportunities, by not granting consent for any new venues or additional machines, is therefore an effective way in which the Council can minimise the harm arising from problem gambling.

A copy of the Social Impact Assessment is available on our website www.pncc.govt.nz

Consultation process

Anyone can make a submission about the proposals described in this document. We encourage anyone with an interest in the issues raised to make a submission.

This Statement of Proposal and the submission form can be found at:

- Palmerston North City Council website <http://www.pncc.govt.nz/haveyoursay>
- Customer Service Centre, Palmerston North City Council, The Square, Palmerston North; and
- City Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury.

You are entitled to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The Council intends to hear submissions on this proposal at a Committee meeting likely to be held in August 2023. The date and time for hearings will be confirmed in the letter acknowledging your submission, and will also be advertised in the Manawatū Standard and Guardian newspapers.

To get your submission to us, either:

Mail to: Draft Gambling Policies 2023 Submissions, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

Deliver to: Palmerston North City Council Customer Service Centre, 32 The Square, Palmerston North

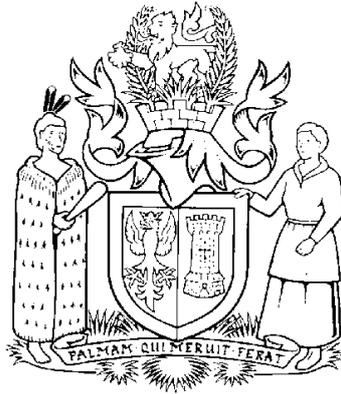
Email to: submission@pncc.govt.nz (subject "Draft Gambling Policies 2023")

Phone: 06 356 8199

Fax to: 06 355 4115

**The submission period runs from
7 June until 4pm Monday 10 July 2023**

Please note that all written submissions will be made available to the public and media and on the Council's website. Contact details will be withheld. For further information on this consultation please phone the Council on 06 356 8199 or email us at info@pncc.govt.nz.



PALMERSTON NORTH CITY

**CLASS 4 GAMBLING
VENUE POLICY**

2023

MARCH 2017

INTRODUCTION

The Gambling Act 2003 required Palmerston North City Council (the Council) to adopt a policy on Class 4 gambling venues in March 2004. The ~~new~~ legislation required the Council to have regard for the social impact of gaming in the City and gave the Council the ability to limit the number of venues and gambling machines. Any person or organisation wishing to establish a new venue or operate additional machines is obliged to obtain Council consent, in addition to the licence requirements of the Department of Internal Affairs.

The policy is limited to Class 4, non-casino, gambling machines (pokies).

1. OBJECTIVES OF THE POLICY

- To ensure Palmerston North City Council and the community ~~has~~ have influence over the location of new Class 4 gambling venues in the city.
- To allow existing class 4 gambling venues to continue operating at their current premises ~~those who wish to participate in pokie machine gambling to do so within Palmerston North.~~
- To have regard to the social impact of gambling within Palmerston North, and to minimise the harm to our communities caused by problem gambling.
- To ~~prohibit~~ prevent the growth of class 4 gambling venues or the number of gaming machines in existing venues.

2. WHERE CLASS 4 GAMBLING VENUES MAY BE LOCATED ESTABLISHED

Class 4 gambling venues may be ~~established~~ located where:

2.1 The primary activity of the proposed venue is:

- For the sale of liquor or the sale of liquor and food; **OR**
- Sporting activities and the club holds an on licence or club licence for the sale of liquor for consumption on the premises; **OR**
- For the operation of a New Zealand ~~Racing Board~~ TAB; **AND**
- ~~is a~~ Not associated with family or children's activities; **AND**

2.2 The proposed venue is within the Palmerston North District Plan zones;

- **Inner Business Zone; OR**
- **Outer Business Zone, or Airport Zone** but subject to being no closer than 200 metres to any entrance to a school, early childhood centre, kindergarten, after school care facility or other community facility¹; **OR**
- In sports club rooms in **Recreation Zones** but subject to being no closer than 200 metres to any entrance to a school, early childhood centre, after school care facility, kindergarten or other community facility.

¹ The 200 metre distance is measured from the edge of the building that houses the gambling machines and measured in a straight line in all directions.

3. APPLICATION DETAILS REQUIRED

Applications for Palmerston North City Council [relocation](#) consent must be made on the approved form and must provide:

- The name and contact details of the applicant and trust details;
- The street address of premises proposed for the Class 4 licence;
- The names of management staff;
- Evidence of the primary purpose of the venue;
- A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue; and
- Evidence that the premises are authorised under the [Sale of Liquor Act 1989](#) [Sale and Supply of Alcohol Act 2012](#) for the sale of liquor for consumption on the premises, or be a NZ [Racing Board \(TAB\)-TAB](#) Venue.
- A declaration that the purpose of the premises is not to provide family or children's activities.

4. NUMBER OF [VENUES AND MACHINES TO BE ALLOWED](#)

~~The authorised Council Officer must consider the number of class 4 gambling machines to be allowed. The following restrictions are placed on the number of gambling machines for which venue consent will be granted:~~

4.1 ~~[No consent will be granted for any new Class 4 venues in Palmerston North.](#)~~

~~**Overall cap on the total number of Class 4 gambling machines in Palmerston North**~~

~~No new consents will be granted for club or non-club class 4 gambling venue licences where granting of consent would result in the total number of machines with consent to operate in the Palmerston North territorial local authority area exceeding 347.~~

4.2 ~~[No consent will be granted for any increase in the number of Class 4 gambling machines in any Class 4 venue in Palmerston North.](#)~~

~~**Number of machines in venues**~~

~~Subject to the restriction on number of machines in section 4.1~~

- ~~• New venues will be granted consent to operate up to maximum of 9 machines in total;~~
- ~~• Existing venues, operating fewer than 9 machines, shall be granted consent to operate up to maximum of 9 machines in total;~~

4.3 **Venues relocating to new premises**

[The holder of consent for an existing Class 4 venue may apply for consent to relocate their premises to a new location.](#)

Council may, at its sole discretion, grant consent for an existing Class 4 venue to relocate to a new location if:

- Due to circumstances beyond the control of the operator or the lessee of the premises, the premises cannot continue to operate at the existing location; and
- The Authorised Council Officer deems that the circumstances are exceptional.

For the purpose of providing clarity, examples of “circumstances beyond the control of the operator or the lessee of the premises” includes, but is not limited to, the following situations:

- Acquisition of property under the Public Works Act 1981; or
- Natural disaster.

~~A Class 4 gambling licence holder who holds consent from the Council to operate gaming machines at a venue in Palmerston North may apply for consent to relocate all the gaming machines at that venue to a new venue in Palmerston North, if the licence holder can satisfy the Authorised Council Officer that they are required to relocate to the new venue through events beyond their control.~~

An application for consent under this section must provide all the required information, and meet all the necessary requirements of this policy, as if it were a new application for consent under this policy.

Any consent granted under this section shall not permit the consent holder to operate a greater number of machines at the new venue than were operating at the existing venue.

~~For the avoidance of doubt, an application for consent under this section may be permitted even if the overall cap on the total number of class 4 gambling machines in Palmerston North specified in clause 4.1 of this policy has been reached or exceeded.~~

5. NOTIFICATION OF DECISION

Palmerston North City Council must issue a decision to the applicant within 30 working days after receipt of application and shall specify:

- Number of machines; and
- Location.

Applications will be dealt with, and decisions made, by the authorised Council Officer. Applicants will be notified of all reasons concerning decisions.

6. RIGHT OF APPEAL

An applicant may appeal a decision made under this policy. Appeals will be considered by the ~~General Manager of the Customer Services Unit~~Chief Customer Officer.

Appeal fee \$120 (subject to change).

7. APPLICATION FEES

The Palmerston North City Council will set application fees from time to time, pursuant to section 150 of the Local Government Act 2002. They are set by the Long Term ~~Council Community~~ Plan (LTCCP) and will be notified accordingly. They shall include consideration of the cost of: processing the application, including any consultation required.

- ~~• Processing the application, including any consultation involved;~~
- ~~• Balloting of unused machine capacity.~~

~~8. PROCEDURE FOR BALLOTING AND ALLOCATION OF GAMING MACHINE CAPACITY~~

~~If two or more applications are received on the same day, and there is not adequate capacity (gaming machines) to grant all of the applications, an Authorised Council Officer may conduct a ballot to determine allocation of available capacity. The City Council shall give not less than seven (7) days public notice of the time and place at which any such ballot is to be held, and any person shall be entitled to be present while the ballot is conducted.~~

DRAFT FOR CONSULTATION

9-8. DEFINITIONS

Authorised Council Officer: shall be the ~~Liquor Licensing Inspector~~[Environmental Health Officer](#) or other authorised officer.

Class 4 gambling: Any activity that involves the use of a gambling machine (also known as pokies) outside a casino is class 4 gambling. Refer Gambling Act 2003 section 30.

Class 4 gambling venues (Venue): A place at which gambling machines (also known as pokies) are located, or for the purposes of application at which it is proposed that gambling machines be located.

Gambling machine: refer to definition of “Gaming Machine” in Gambling Act 2003.

Family: Any group that can be identified as a family and that includes person below the age of 19.

Family Activities: Activities which have a target market which includes family(ies). This includes but is not limited to restaurants where the primary activity is dining, retail shops, and areas where there are games or entertainments whose target market may include under-18 year old persons.

Location: Building premises under one ownership structure with customer internal access between various parts of the building.²

Pokie: An electronic gambling machine.

Premises: Building in which a venue is located.

Primary Activity: The activities primarily associated with and promoted by the venue.

Private Club: Refer to definition of ‘Club’, and in this context meeting the criteria of operating as a club as defined in section 65(3), in the Gambling Act 2003.

School/licensed early childhood centre: As defined in sections 2 and 308 of the Education Act 1989 respectively.

Society: A corporate society as defined in the Gambling Act 2003 (including reference to section 33), which has an operator’s licence for Class 4 gambling machines (pokies).

Zone: An area of the city, defined as a zone in the Palmerston North City District Plan.

² A shift of gambling machines within building premises is not considered to be a change in location by Palmerston North City Council. Venue operators should be free to shift existing licensed machines within premises to allow for building renovations and layout alterations without the implication of new licence costs and regulation.



PALMERSTON NORTH CITY

NEW ZEALAND RACING BOARD
VENUE POLICY
TAB VENUE POLICY

2023

2017

INTRODUCTION

The Racing ~~Industry~~ Act ~~2020~~ 2003 requires the ~~New Zealand Racing Board (the Board)~~~~TAB NZ~~ to gain consent from the relevant Council if it proposes to establish a ~~Board~~~~TAB~~ venue (~~TAB~~). Territorial authorities must adopt a ~~Board~~~~TAB~~ venue policy for ~~standalone~~ “~~TABs~~” ~~TAB Venues~~ operated by ~~the Board~~~~TAB NZ~~. The policy must specify whether or not new ~~Board~~~~TAB~~ venues may be established in their district, and where they may be located.

The policy is limited to ~~New Zealand Racing Board-owned~~ ~~TAB~~ ~~outlets~~~~venues~~. It does not cover TAB terminals in privately owned premises such as hotels, taverns or clubs.

1. OBJECTIVES OF THE POLICY

- To ensure Palmerston North City Council and the community has influence over the location of new TAB venues.
- To have regard to the social impact of gambling within Palmerston North, and to minimise the harm to our communities caused by problem gambling.

2. ~~NEW ZEALAND RACING BOARD VENUES (TAB)~~~~TAB VENUES~~ MAY BE ESTABLISHED

~~New Zealand Racing Board~~~~TAB~~ venues may be established where:

2.1 The primary activity of the proposed venue is:

- For the operation of a ~~New Zealand Racing Board~~~~TAB~~ ~~venue~~; **AND**
- Is not associated with family or children’s activities; **AND**

2.2 The proposed venue is within the Palmerston North District Plan zones:

- **Inner Business Zone; OR**
- **Outer Business Zone, or Airport Zone but** subject to being no closer than 200 metres to any entrance to a school, early childhood centre, kindergarten, after school care facility or other community facility¹.

3. APPLICATION DETAILS REQUIRED

Applications for Palmerston North City Council consent must be made on the approved form and must provide:

- The name and contact details of the applicant
- The street address of premises proposed for the ~~New Zealand Racing Board~~~~TAB~~ venue licence
- The names of management staff
- Evidence of the primary purpose of the venue
- A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue; and

¹ The 200 metre distance is measured from the edge of the building that houses the TAB and measured in a straight line in all directions.

- A declaration that the purpose of the premises is not to provide family or children's activities.

4. NOTIFICATION OF DECISION

Palmerston North City Council must issue a decision to the applicant within 30 working days after receipt of application.

Applications will be dealt with, and decisions made, by the Authorised Council Officer. Applicants will be notified of all reasons concerning decisions.

5. RIGHT OF APPEAL

An applicant may appeal a decision made under this policy. Appeals will be considered by the Chief Executive in consultation with the [Chief Customer Officer](#)~~General Manager of the Customer Services Unit~~.

Appeal fee \$120 (subject to change).

6. APPLICATION FEES

The Palmerston North City Council will set application fees from time to time, pursuant to section 150 of the Local Government Act 2002. They are set by the Long Term Plan (LTP) and will be notified accordingly. They shall include consideration of the cost of processing the application, including any consultation involved.

7. DEFINITIONS

Authorised Council Officer: shall be the [Liquor Licensing Inspector](#)~~Environmental Health Officer~~ or other authorised officer.

Family: Any group that can be identified as a family and that includes persons below the age of 18.

Family Activities: Activities which have a target market which includes family(ies). This includes but is not limited to restaurants where the primary activity is dining, retail shops, and areas where there are games or entertainments whose target market may include under-18 year old persons.

Location: Building premises under one ownership structure with customer internal access between various parts of the building.

Premises: Building in which a venue is located.

Primary Activity: The activities primarily associated with and promoted by the venue.

School/early childhood centre: As defined in sections 2 and 308 of the Education Act 1989 respectively.

Zone: An area of the district, defined as a zone in the Palmerston North City District Plan.