



Kaipara District Council

Totalisator Agency Board Venue Policy

May 2011



Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

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Background

The Racing Act 2003 passed into law on 1 August 2003. Under section 65D of the Act, the Kaipara District Council is required to implement a policy on Totalisator Agency Board (TAB) Venues. The establishment of new TAB Venues requires local authority consent. During the development of this Policy, Council consulted with community and key stakeholders. A number of Policy options were considered, ranging from a laissez-faire approach to restrictive management of TAB Venues in the Kaipara District. Council followed the Special Consultative Procedure as required by the Local Government Act 2002, releasing the draft Policy for submissions in March 2011. Submissions were heard in May 2011

The Purpose of the Racing Act is to:

- Provide effective governance and arrangements for the racing industry;
- Facilitate betting on galloping, harness, and greyhound races, and other sporting events;
- Promote the long term viability of New Zealand Racing.

Scope of the Policy

This Policy covers 'stand alone' TAB Venues which are owned or leased by the New Zealand Racing Board. Council consent is not required under the legislation to establish a TAB facility in a bar, hotel or club. If a TAB Venue wishes to also host gaming machines a separate application must be made under Council's Class 4 Gambling Policy and the TAB Venue must also meet the additional criteria set out in that Policy.

Classes of Gambling

The Act provides Central Government with broad powers to make regulations that will keep up with technological changes and new forms of gambling as they emerge. It classifies gambling based on the amount of money and the risks of problem gambling and criminal activity associated with an activity.

The Role of Local Authorities

Under the Racing Act 2003, local authorities are required to develop and implement policies relating to 'stand alone' TAB Venues. Consent is required from the local authority to:

- Establish new TAB Venues (other than TAB agencies where the main business carried on in the premises is not racing betting or sports betting).

Kaipara District TAB Venue Policy

1 Objectives of the Policy insofar as promoted by the Racing Act 2003

Council believes that there are a sufficient number of TAB Venues to serve the demand in the Kaipara District.

A more restrictive Policy is in line with the community's priorities of health, safety and the promotion of wellbeing, as identified through the Community Outcomes consultation process.

The 'sinking lid' approach gives Council the opportunity to exercise greater control over the impact of gambling within the District.

2 Establishment of TAB Venues

No more than two new Board Venues may be established in the District save as provided for in clause 3 of this Policy.

3 Relocation of existing TAB Venues permitted under specific circumstances

Council may permit existing TAB Venues to re-establish at a new site where:

- a) 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. Examples of such circumstances include but are not limited to the following:
 - Expiration of lease;
 - Acquisition of property under the Public Works Act;
 - Site re-development.

Any permission to establish any new TAB Venue under this clause will be subject to the following conditions:

- The owner or lessee of the premises located at the new site must remain the same as the owner/lessee on the existing site.
- The vacated site will not be able to be used as a TAB Venue.

4 Where TAB Venues may be established on relocation

Any TAB Venue may be established in the District where it is a permitted activity under the Kaipara District Plan or where a resource consent to undertake the activity has been granted by Council but no such venue shall be located within 100 metres of any kindergarten, early childhood centre, school, place of worship, and other community facility.

5 Kaipara District Council Application Requirements

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

- name and contact details for the application;
- street address of premises proposed for the TAB Venue;

- the names of management staff;
- evidence of police approval for owners and managers of the venue;
- a twelve month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
- a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- details of zoning of premises.

6 Application Fees

Where an application meets all of the criteria within the TAB Venue Policy, a non-refundable fee of \$600.00 (inclusive of GST) must accompany the application.

This fee will be reviewed by the Council from time to time in the Long Term Plan and Annual Plan, and shall include consideration of:

- the cost of processing the application, including any consultation and hearings involved;
- the cost of triennially reviewing;
- a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District.