



Class 4 Gambling Venue Policy

May 2011



Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

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Background

The Gambling Act 2003 passed into law on 18 September 2003. Under section 101 of the Act, the Kaipara District Council is required to implement a policy relating to the number and location of Class 4 (gaming machine gambling) venues. The establishment of new Class 4 gambling venues¹ requires local authority consent, as do proposals to increase machine numbers in any Class 4 venue. 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 Class 4 Gambling 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 Gambling Act is to:

- Control the growth of gambling.
- Prevent and minimise the harm caused by gambling, including problem gambling.
- Authorise some gambling and prohibit the rest.
- Facilitate responsible gambling.
- Ensure the integrity and fairness of games.
- Limit opportunities for crime or dishonesty associated with gambling.
- Ensure that money from gambling benefits the community.
- Facilitate community involvement in decisions about the provision of gambling.

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.

Classes of gambling range from Class 1, representing low-stake, low-risk gambling that does not require a licence, to Class 4, which represents high turnover, high-risk licensed gambling. Class 4 gambling is characterised by the utilisation of gaming machines, and is the only class of licence other than casino gambling to permit the use of gaming machines.

The Role of Local Authorities

Under the Gambling Act 2003, local authorities are required to develop and implement policies relating to gaming machine venues, and may specify the maximum number of gaming machines that may be operated in a Class 4 venue. Consent is required from the local authority to:

- Continue to operate gaming machines at a Class 4 venue licensed after 17 October 2001 and before the commencement of the Act;
- Increase the number of gaming machines at a Class 4 venue;
- Establish new gaming machine venues after the commencement of the Act;
- In the case of a Club, when applying for Ministerial discretion, to increase the number of gaming machines over the statutory limit, whether or not in relation to a proposed merger.

¹ those without a licence on 17 October 2001

Kaipara District Class 4 Gambling Venue and Board Venue Policy

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

Council believes that there are a sufficient number of gaming machines and Class 4 gambling 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 well-being, 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 Class 4 Venues

No new Class 4 Venues may be established in the District except save for as provided in clause 4 or 4A of this Policy.

Class 4 gambling activities will only be permitted to be undertaken in premises holding 'On Licences' and 'Club Licences' granted under the Sale of Liquor Act 1989, or premises which are TAB Venues.

3 Restrictions on the maximum number of machines that may be operated at an existing Class 4 Venue

The total number of machines within all venues will be restricted to the number at each venue licensed on 18 September 2003. These numbers will not increase and will potentially lead to a decrease in the number of venues and machines operating within the District.

4 Relocation of existing Class 4 Venues permitted under specific circumstances

Council may permit existing Class 4 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 redevelopment.
- b) In the case of a Club only, as defined in the Gambling Act 2003, Council will permit the relocation to a new site of a Club, or where two or more existing Clubs combine.

Any permission to establish any new Class 4 Venue under this clause will be subject to the following conditions:

- With the exception of any Club combining as permitted in clause 5b, the intended holder of the Class 4 Venue licence, the Class 4 Venue licence and the owner or lessee of the premises in which the machines are located at the new site must remain the same as the licence holders and the owner/lessee on the existing site.
- The vacated site will not be able to be used as a Class 4 Venue.
- The number of gaming machines permitted to operate at the new venue will not exceed the number permitted to be operated at the existing site or in the case of Clubs which combine will not exceed the sum of the number of machines of gaming machines specified in all of the corporate societies Class 4 Venue licences at the time of application with a maximum limit of 30 as provided in section 95(4) of the Gambling Act.

4A New Class 4 Venue permitted for Dargaville Club

Council may consent to an application by the Dargaville Club for a Class 4 Venue licence for up to two gaming machines at its premises at 55 Victoria Road, Dargaville provided that the application is made on or before 31 December 2012.

5 Where Class 4 Gambling Venues and Board Venues may be established on relocation

- a) Any Class 4 Venue (which is not a Club) 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.
- b) Any Class 4 Venue which is a Club may be established in the District where it is a permitted activity under the Kaipara District Council 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.

6 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 Class 4 licence;
- the names of management staff;
- evidence of police approval for owners and managers of the venue;
- a 12 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 liquor licence(s) applying to the premises.
- details of zoning of premises.

7 Application Fees

Where an application meets all of the criteria within the Class 4 Gambling 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;
- the cost of inspecting Class 4 Gambling Venues on a regular basis to ensure compliance with consent or licence conditions;
- a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District.