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| <br><b>KAIPARA DISTRICT</b><br><small>THE OCEANS THE BAYS</small> | <b>Title of Policy</b>    | Class 4 Gambling Venues Policy     |                         |              |
|   | <b>Sponsor</b>            | General Manager Community (Acting) | <b>Adopted by</b>       | Council      |
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## 1 Background

The Gambling Act 2003 (GA 2003) passed into law on 18 September 2003. Under s101 of that 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 venues<sup>1</sup> requires local authority consent, as do proposals to increase machine numbers in any Class 4 venue. The special consultation procedure under s83 of the Local Government Act 2002 (LGA 2002) was followed as required by the GA 2003 when developing this Policy.

## 2 The Purpose of the Gambling Act 2003

The purpose of the GA 2003 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;

<sup>1</sup> Those without a licence on 17 October 2001

- ensure the integrity and fairness of games;
- limit opportunities for crime or dishonesty associated with gambling;
- ensure that money from gambling benefits the community; and
- facilitate community involvement in decisions about the provision of gambling.

### 3 **Classes of Gambling**

The GA 2003 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.

### 4 **The Role of Local Authorities**

Under GA 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 GA 2003;
- increase the number of gaming machines at a Class 4 venue;
- establish new gaming machine venues after the commencement of GA 2003; and
- 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.

### 5 **Kaipara District Class 4 Gambling Venues Policy**

#### 5.1 **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, therefore a restrictive Policy in the form of a 'sinking lid' approach is considered appropriate.

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

#### 5.2 **Establishment of Class 4 venues**

No new Class 4 venues may be established in the District except as provided for in clause 5.4 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 and Supply of Alcohol Act 2012 (SSAA) or premises which are Totalisator Agency Board (TAB) venues.

### **5.3 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.

### **5.4 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:
  - Expiry of lease;
  - Acquisition of property under the Public Works Act; and
  - Site redevelopment.
- b) In the case of a club only, as defined in the GA 2003, Council will permit the relocation to a new site of a club, or where two or more existing clubs combine and a relocation is involved.

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 5.4b, the intended holder of the Class 4 venue licence must remain the same at the new location as it was in the previous location. [The existing Class 4 venue licence is to be transferred to the new location without a change in the licence holder(s).]
- 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, where two or more non-commercial clubs that merge may consolidate the number of gambling machines operated at the merged non-commercial club venue to the lesser of :
  - a) 30 gambling machines: or
  - b) the sum of the number of gambling machines previously operated by each non-commercial club individually.

### **5.5 Where Class 4 Gambling Venues may be established on relocation**

- a) Any Class 4 gambling 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, however 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 gambling venue which is 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, however no such venue shall be located within 100 metres of any kindergarten, early childhood centre, school, place of worship and other community facility, for example a hall.

## 5.6 Kaipara District Council Application Requirements

Applications for Council's 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; and
- details of zoning of premises.

## 6 Application Fees

Where an application meets all of the criteria within the Class 4 Gambling Venues Policy, a non-refundable fee, as specified in Council's most recent Fees and Charges, 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 Class 4 Gambling Venues Policy including a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District; and
- the cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions.