

# CLASS 4 GAMING VENUE POLICY

ADOPTED 22 AUGUST 2017



**TE WAIROA**  
**WAIROA DISTRICT**

<b>PERSON RESPONSIBLE:</b>	Chief Operations Officer	<b>FILE REFERENCE:</b>	I18.01
<b>CATEGORY:</b>	Regulatory	<b>STATUS:</b>	FINAL
<b>DATE POLICY ADOPTED:</b>	22 August 2017	<b>APPROVAL BY:</b>	Council
<b>REVIEW PERIOD:</b>	3 years	<b>NEXT REVIEW DUE BY:</b>	August 2020
<b>DATE PREVIOUSLY ADOPTED:</b>	10 June 2014	<b>REVISION NUMBER:</b>	2

## BACKGROUND

This Policy is made for the purposes of Section 101 of the Gambling Act 2003.

Under the Gambling Act 2003, applicants for Class 4 gaming venue licenses must have the consent of the territorial authority in which the venue is, or will be, situated. In order to consider and determine applications for consent, territorial authorities are required by the Act to have a policy specifying whether or not Class 4 venues may be established in their district, where Class 4 licensed venues may be located in the district, and may also place additional limits on the number of machines per venue, which the Act sets at nine.

This policy has been developed to enable the Council to consider and determine consent applications. As required by the Act, all decisions by Council to grant or decline consent must be made in accordance with this policy.

## SCOPE OF THE POLICY

This policy covers Class 4 venues licensed under the Gambling Act 2003.

## OBJECTIVES OF THE POLICY

- To ensure the Council and the community has influence over the location of new Class 4 gambling venues in the Wairoa District.
- To control the extent of Class 4 gambling within the Wairoa District in a manner which will prevent and minimise the potential harm caused by gambling, particularly problem gambling.

- To reduce the number of gaming machines in the Wairoa District to the extent that Council is empowered by the Gambling Act 2003.
- To recover costs where appropriate.

## GOALS

The Council supports the primary objectives of the Gambling Act, which are to ensure that:

- Gambling is primarily used to raise funds for community purposes;
- The harm caused by gambling is prevented or minimised;
- Local involvement in decisions about the availability in communities of various forms of gambling is facilitated;
- The growth of gambling is controlled.

In terms of this policy, the objectives of the Council are to:

- Ensure that community input, via the Local Government Act 2002 Special Consultative Procedure, is sought from the Community in the preparation of the Policy.
- That gaming machines are located in appropriate venues.

## GAMBLING VENUES

No further gaming machine venues to be established in the Wairoa District.

## GAMING MACHINES

Council will NOT grant territorial authority consent to:

- Operate gaming machines at any venue not already operating machines; or
- Increase the number of gaming machines operating at an existing Class 4 venue above that licensed by the Department of Internal Affairs or granted territorial authority consent at the time of this policy coming into force; or
- Re-establish a Class 4 venue with gaming machines once a licence is no longer held for that venue and territorial authority consent is required.

Note: This situation usually applies when no licence has been held by any society for a particular venue within the previous six months.

## RELOCATION OF CLASS 4 VENUES

Subject to the requirements of the Gambling Act 2003, Council may permit a class 4 gaming venues to re-establish to a new site where:

a) Due to the circumstances beyond the control of the owner or lessee of the class 4 venue, the venue cannot continue to operate at the existing site.

Examples of such circumstances include but are not limited to the following:

- i. Expiration of lease; or
- ii. Acquisition of property under the Public Works Act; or
- iii. Site redevelopment

Any permission to establish a new class 4 venue under this clause will be subject to the following conditions:

- iv. The venue operator of the business at the new site shall be the same venue operator at the site to be vacated;
- v. Subject to the requirements of the Gambling Act 2003, the maximum number of gaming machines shall be the same as approved at the time of closing the former premises.

Subject to the requirements of the Gambling Act 2003, clubs that rebuild or relocate may be allowed a maximum of the number of gaming machines approved at the time of closing of the former premises.

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. Where two or more existing clubs legally and physically combine into one, the resulting club may be allowed to operate the sum of the number of gaming machines specified in all Class 4 venue licences at the time of application or 24 machines whichever is the lesser.

## PRIMARY ACTIVITY OF CLASS 4 GAMBLING VENUES

The primary activity of any Class 4 gambling venue shall be:

- For the sale of liquor or for liquor and food, or
- For sporting activities.
- For race and sports betting conducted at a TAB Board Venue.

## APPLICATION FEES

These will be set by Wairoa District Council, and shall include consideration:

- The cost of processing the application, including any consultation and
- hearings involved;
- The cost of triennially reviewing the Class 4 (Gaming Machines) venue policy;

- The cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or license conditions.

The application fee will be reviewed by Council as part of the Annual Plan Fees and Charges review.

## **POLICY REVIEW**

This policy will be reviewed on a three-yearly basis.

This policy may be reviewed at any time where there is an urgent concern or request from the community.