

Gambling – Class 4 and Board Venues Policy



Responsibility:	Group Manager Environmental Development/ Senior Environmental Health Officer
First Adopted:	5 March 2004 (69/04)
Review Date:	May 2005, 23 March 2006 (132/06)
Review Frequency:	Three yearly, or as required

Policy Objectives

- To ensure the Council and the community has influence over the provision of new gambling in the District.
- To restrict the number of Class 4 and Board venues in the District.
- To exclude Board Venues from operating as Class 4 Venues.

Scope of the Policy (Gambling Act 2003 Section 98)

This Policy applies to:

- All venues established after 17 October 2001.
- A Society applying to increase the number of gambling machines that may be operated at a venue (Section 2).
- Venues for which no Class 4 Venue Licence has been held for the last six months (Section 3).
- An application for a new Class 4 Venue (Section 6).

Principles

Section 101 of the Gambling Act stipulates that the Council's Class 4 Venue Policy:

- Must specify whether or not Class 4 venues may be established in the territorial authority's District and, if so, where they may be located; and
- May specify any restrictions on the maximum number of gaming machines that may be operated at a Class 4 venue.

Section 65D of the Racing Act 2003 stipulates that the Council must adopt a Board Venue Policy. In essence, a Board venue is a stand-alone gambling facility operated by the New Zealand Racing Board. The Policy must specify whether or not new Board venues may be established in the territorial authority's district and, if so, where they may be located.

In adopting both policies, the Council is required to have regard to the social impact of gambling within its District.

Definitions

Class 4 venue means a place used to conduct class 4 gambling as described in Section 30 of the Gambling Act 2003.

Board venue means premises that are owned or leased by the NZ Racing Board and where the main business carried out on the premises is providing racing betting services under the Racing Act 2003.

Gaming Machines

- (a) Means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling; and
- (b) Includes a device for gambling that is conducted partly by a machine and partly by other means; and
- (c) Includes a device, or type of device, that is declared to be a gaming machine by regulations made under Section 368; but
- (d) Does not include a device, or type of device, that is declared not to be a gaming machine by regulations made under Section 368; and
- (e) Does not include a device operated by the Lotteries Commission.

Background

The Gambling Act 2003 came into force on 19 September 2003. Under that Act, all territorial authorities were required to adopt a Class 4 Venue Policy for their district or city. Similarly, the Racing Act 2003, which came into force on 1 August 2003, required Councils to adopt a Board Venue Policy for their district or city. Both policies were required to be adopted in accordance with the special consultative procedure prescribed in the Local Government Act 2002, by 19 March 2004.

Policy Statement

1. Where Class 4 and Board Venues may be Established

Class 4 and Board venues may be established within the District subject to the discretion of Council. Each case shall be decided on its merits and Council shall have regard to the following matters:

- 1. The proximity of residential areas, kindergartens, schools, places of worship or other community facilities to the proposed venue.
- 2. The impact on the South Waikato community.
- 3. The ability to prevent access to gaming machines by minors.
- 4. The proximity to other Class 4 gambling venues.
- 5. Whether the venue is licensed under the Sale of Liquor Act 1989.

2. Number of Gaming Machines to be Allowed

New Class 4 venues shall be allowed a maximum of no more than four gaming machines in the first 18-month term of the licence.

Existing venues with licences issued after 17 October 2001 and operating fewer than nine gaming machines shall be allowed to increase the number of machines operated at a venue to nine.

2.1 Clubs and Ministerial Discretion (merging of Clubs and Increasing Machine Numbers)

Council will not provide consent under Sections 95(1)(f) (Merging of Clubs) or 96(1)(e) (Increasing of Machine Numbers) of the Gambling Act 2003 to any applications by Clubs with Class 4 Licenses seeking Ministerial discretion to increase the number of gambling machines permitted at a venue beyond the number that would have been permitted under Section 2 of this Policy.

3. Overall Cap on Number of Class 4 and Board Venues in the District

The number of venues operated within the District shall not exceed the number operating or that have obtained Council consent to a Class 4 Venue at 18 March 2004.

However, where a licensee (or licence holder) surrenders or otherwise ceases to hold its Class 4 venue licence in relation to a particular venue, a licence may be granted to that society or to another society in relation to a different venue.

The Department of Internal Affairs will require evidence from the applicant that the previous Society has voluntarily surrendered its Venue Licence or intends to do so [Section 67(1)(2)]. The agreement for a venue to be moved from one Society to another is entirely a matter between the Societies and the venue concerned.

Council will only issue consent for a new venue if it is satisfied that any existing venue licence has been extinguished (ie, no Class 4 Venue Licence has been held for the past six months [Section 71(1)(g)]).

4. Primary Activity of Class 4 Venues

The primary activity of any Class 4 venue shall be:

1. For sporting activities; or
2. For the sale of liquor or for liquor and food.

Gambling shall not be the primary activity of any Class 4 Venue.

5. Incompatibility of Premises

Class 4 venues must not be located in premises that are incompatible with other predominant uses in a commercial or retail district.

6. Applications for Class 4 and Board Venues

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

1. Name and contact details for the application.
2. street address of premises proposed for the Class 4 or Board Venue licence.
3. The names of management staff.
4. Evidence of Police approval for owners and managers of the venue.
5. A copy of the proposed gambling harm minimisation policy and staff training programme.
6. A 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue.
7. A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue.
8. If not in a Commercial zone, evidence of the distance to the nearest Residential zone, educational or religious establishment and other Class 4 venues.
9. Details of any existing or proposed liquor licence(s) applying to the premises.
10. The decile score of the township in which the venue is proposed (from the NZ Deprivation Index).
11. The existing machine per person ratio of the township in which the venue is proposed.
12. The location of the proposed venue in relation to existing venues.
13. There is a vacant venue licence available.
14. That applications for Class 4 Venues will be considered on the "first-come, first-served" basis. If two or more applications are received at the same time the decision as to which one will proceed will be done by ballot.

7. Application Fees

These will be set by the territorial authority from time to time, and shall include consideration of:

1. The cost of processing the application, including any consultation and hearings involved.
2. The cost of triennially reviewing the Class 4 and Board Venue Policy.
3. The cost of inspecting Class 4 and Board venues on a regular basis to ensure compliance with consent or licence conditions.
4. A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District.

Relevant Delegations

Council has not delegated the decision-making required under this Policy.

References and Relevant Legislation

- Gambling Act 2003 Section 101
- Racing Act 2003 Section 65D.

Annotations

Res No	Date	Subject/Description
69/04	05/03/04	Policy Adopted
132/06	23/03/06	Reconfirmed/amended