

Whangarei District Council Class 4 Gambling Venue Policy

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Introduction

The Gambling Act 2003 overhauled legislation relating to gambling. A key change for local authorities was a requirement that they must establish a Class 4 Gambling venue Policy adopted by special consultative procedure. Council is required to review this policy every three years. Class 4 gambling relates to pokie machines and an application to the Department of Internal Affairs for a new venue licence under the Gambling Act 2003 must be accompanied by consent from Council. Consideration of such an application by Council must be in terms of the Class 4 Gambling Venue Policy. This policy has been developed, amended and reviewed in accordance with 101 of the Gambling Act 2003.

This policy provides that Council will not consent to the establishment of new class 4 gambling venues with the exception of specific situations where venues need to relocate or in the case of clubs, combine and relocate. There will be no increase in the number of machines at a venue as the result of any relocation and the policy also prevents venues operating prior to the commencement of the Gambling Act 2003, from increasing machine numbers. Any application for consent under the policy to establish a new class 4 venue, resulting from the need to relocate a venue must be publicly notified and determined at a Council hearing.

1 Objectives of the policy in so far as promoted by the Gambling Act 2003

- 1.1 To control the growth of class 4 gambling in the Whangarei District.
- 1.2 To minimise the harm caused by class 4 gambling in the Whangarei District.
- 1.3 To facilitate community involvement in decisions about the provision of class 4 gambling in the Whangarei District.
- 1.4 To allow those who choose to use class 4 gaming machines may do so in a safe and well managed environment.

2 Establishment of class 4 venues be not permitted

- 2.1 Save for as provided in clause 3 of this policy Council will not permit the establishment of new class 4 gambling venues in the Whangarei District.

3 Relocation of class 4 venues

- 3.1 Council may permit a class 4 venue to re-establish at a new site where:
 - a Due to circumstances beyond the control of the owner or lessee of the class 4 venue or Board 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
 - ii acquisition of property under the Public Works Act; or
 - iii 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, where two or more existing clubs legally and physically combine into one.
- 3.2 Any permission to establish any new class 4 venue under this clause will be subject to the following conditions:
 - a Except as provided for in 3.1 (b) above the venue operator of the business at the new site shall be the same as the venue operator at the site to be vacated.
 - b 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 with a maximum of nine machines as provided by Section 94 of the Gambling Act 2003. In the case of clubs which combine in terms of Section 95 of the Gambling Act 2003 the number of gaming machines permitted will not exceed the sum of the number 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.

In the case of clubs which combine to form a new club and to which Section 96 of the Gambling Act 2003 applies the number of gaming machines permitted to operate at the new venue will not exceed the sum of the number of gaming machines specified in all of the corporate societies class 4 licences at the time of application but must not in any case exceed 18 machines.

4 Where class 4 gambling venues may be established on relocation

- 4.1 Any class 4 venue may only be established in a Business 1, Business 2 or a Business 4 Environment as defined under the Whangarei Operative District Plan.

5 Restrictions on the maximum number of machines that may be operated at a class 4 venue

- 5.1 Council will not consent to any increase in the number of class 4 gambling machines operated at each venue, specifically:
- a Where the holder of a class 4 venue licence existing on the 17 October 2001 wishes to increase the number of machines by application under section 92 of the Gambling Act 2003 then the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.
 - b For premises licensed after 17 October 2001, to which section 93 of the Gambling Act 2003 applies, club applicants in terms of which section 96 of the Gambling Act 2003 applies, the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.
 - c Where two or more clubs or societies legally and physically combine in terms of section 95 of the Gambling Act 2003, the maximum number of machines permitted will be the sum of the number of gaming machines specified in all of the corporate societies class 4 venue licences at the time of application with an maximum limit of 30 as provided in section 95 (4) of the Gambling Act 2003.

6 The territorial authority consent process

- 6.1 Any application for consent under this policy to establish a new class 4 venue resulting from the need to relocate a venue will be subject to public notification and determined at a Council hearing.
- 6.2 Council has delegated the power to consider and determine applications for Territorial Authority consent under the Gambling Act 2003, to the Licensing Exemptions and Objections Committee and during the terms of this policy may delegate such powers to such other committees as appropriate.
- 6.4 Submissions in writing shall be invited over a period of not less than 20 working days, with submitters invited to indicate if they wish to be heard on the hearing date. Working days shall have the same meaning as defined in terms of the Resource Management Act 1991.
- 6.5 The Committee shall consider all submissions, written and oral, and shall make a decision including reasons on the application. The Committee's decision shall be final.
- 6.6 The applicant and all submitters shall be advised of the decision, and the reasons for the decision, as soon as practicable.
- 6.7 In considering any application and submissions, the Committee shall have regard to provisions of the Gambling Act 2003, objectives of this policy, and the criteria outlined in matters to be considered at hearing.
- 6.8 Notification of application
- Public notification shall be undertaken by Council as follows:
- a By publication in a local newspaper circulating within the District.
 - b By way of a public notice displayed prominently in the window of the proposed venue or by signage on the venue site for the period during which submissions are open.
 - c By the notification in writing of owners and occupiers of any adjacent properties.
 - d By notification in writing to any other person or party that Council considers necessary.

6.9 Matters to be considered in determining application

In considering an application under this policy the Committee shall have regard to the following matters:

- a The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally.
- b The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.
- c The extent to which the application meets the objectives of the Whangarei District Council Class 4 Gambling Venue Policy and the purpose and intent of the Gambling Act 2003..
- d Any other matter that Council considers relevant and reasonably necessary to determine the application.

6.10 How an application is to be made

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

- a Name and contact details of the applicant
- b Venue name and street address
- c A scale plan drawn showing areas set aside for gambling and other activities
- d A location plan showing the location of the venue within the wider community
- e Names and date of birth of venue management staff
- f In respect of a class 4 venue details of gambling equipment and the number of machines that the applicant intends to operate
- g In respect of a class 4 venue information demonstrating that the primary activity for the venue will not be the operation of gambling machines
- h In respect of a class 4 venue details of the liquor licence/licenses applying to the venue
- i Where the application relates to the establishment of a new class 4 venue the applicant must provide an assessment of the following matters:
 - i The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
 - ii The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area
- j Any other information that may reasonably be required to allow proper consideration of the application
- k Fees
- l Certificate of compliance under the Resource Management Act 1991 or a copy of the resource consent authorising the proposed activity under the Act.

6.11 Application fees

Council shall set fees from time to time, under authority of the Local Government Act 2002, and shall include consideration of:

- a The cost of processing any application, including any consultation, public notification and hearings involved.
- b The cost of triennially reviewing the class 4 gambling policy including the cost of assessment of the effectiveness of the policy and the social impact of gambling in the District.
- c The cost of any inspection of premises should this be required of Council by the Department of Internal Affairs.

7 Promotion of gambling information to the community

7.1 Council will within budget constraints, facilitate the provision of information promoting host responsibility, gambling harm minimisation, problem gambling services and other relevant information to the District community and the industry in an endeavour to contribute towards the achievement of the objectives of this Policy

This policy was adopted by the Whangarei District Council on the 24 April 2013

Policy review history

03 March 2004	First adoption – No new venues
04 October 2006	Amendment to allow Board venue to establish in Vine Street, Whangarei
03 October 2007	Reviewed Policy. Existing venues permitted to relocate under specific circumstances. Board venues permitted to establish with cap of two (2) venues
24 April 2013	Reviewed policy. Sinking lid policy from 2007 carried through into 2013 policy relating to Class 4 Gambling venues specifically in terms of the Gambling Act 2003. Board Venue Policy likewise adopted as separate policy in terms of the Racing Act 2003.