



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

Policy title			
<b>Primary Audience</b>	External	<b>Business owner</b>	Policy
<b>Policy type</b>	Statutory	<b>Act</b>	Gambling Act 2003
<b>Author</b>	Policy Analyst	<b>Date adopted/last reviewed</b>	20 December 2018/ September 2018
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Adopted

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## **1. Background**

- 1.1 The Gambling Act 2003 requires the Kaipara District Council (the Council) to adopt a policy relating to the number and location of Class 4 gaming machine gambling venues in the district.
- 1.2 The Policy must specify whether or not Class 4 gambling venues may be established in the district and if so, where they may be located. The Policy may specify any restrictions on the maximum number of gaming machines that may operate at Class 4 gambling venues, and may include a relocation policy.
- 1.3 This Policy must be reviewed at least every three years, and if the Policy is amended, it must follow the requirements of the special consultative procedure as set out in the Local Government Act 2002.

## **2. Purpose**

- 2.1 The purpose of this Policy is to state the Council's position regarding Class 4 gambling venues and to provide guidance as to the conditions required for relocation of a Class 4 gambling venue in the Kaipara district.

## **3. Objectives**

- 3.1 (a) To ensure the Council and the community has influence over the provision of new Class 4 gambling venues in the Kaipara district.
- (b) To enable the Council and the community to influence the operating of existing Class 4 gambling venues in the Kaipara district.
- (c) To allow those who wish to participate in Class 4 gambling to do within the Kaipara district.
- (d) To minimise any potential negative social and economic impacts of Class 4 gambling venues in the Kaipara district.
- (e) To ensure the Kaipara district community is able to maximise the benefits from Class 4 gambling venue proceeds returned to the community.

## **4. Establishment of Class 4 gambling venues**

- 4.1 No new Class 4 gambling venues may be established in the district except as provided for in clause 6 of this Policy.
- 4.2 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 Totalizer Agency Board (TAB) venues.

## **5. Restrictions on maximum number of machines that may be operated at an existing Class 4 gambling venue**

- 5.1 Council has set a 'sinking lid' on the number of gaming machines in the district.

- 5.2 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.

## **6. Relocation of existing Class 4 gambling venues permitted under specific circumstances**

- 6.1 Council may permit existing Class 4 gambling venues to relocate 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:
    - i. Expiry of lease;
    - ii. Building considered to present a significant health and safety risk;
    - iii. Acquisition of property under the Public Works Act; and
    - iv. Site redevelopment.
  - b) An existing Class 4 gambling venue is seeking relocation to a newly developed, modern premises.
  - c) In the case of a club only 2, two or more existing clubs are merging, and a relocation is involved, including to a new site.
- 6.2 Any permission to establish a Class 4 venue at a new site will be subject to the following conditions:
- a) The intended holder of the Class 4 gambling venue licence must remain the same at the new location as it was in the previous location (with the exception of clubs merging as permitted in 6.1(b)).
  - b) The vacated site will not be able to be used as a Class 4 gambling venue.
  - c) The number of gaming machines permitted to operate at the new venue will not exceed:
    - i. the number permitted to be operated at the existing site; or
    - ii. in the case of clubs, where two or more clubs that merge, they may consolidate the number of gambling machines operated at the merged venue to the lesser of 30 gambling machines or the sum of the number of gambling machines previously operated by each club individually.

## **7. Where Class 4 gambling venues may be established on relocation**

- 7.1 Any Class 4 gambling venue 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, kohanga reo, school, place of worship and other community facility, for example a hall or marae.

## **8. Kaipara District Council Consent Application**

- 8.1 Applications for Council's consent must be made on the approved form and must provide:

- a) Name and contact details for the application;
- b) Street address of premises proposed for the Class 4 licence;
- c) Names of management staff;
- d) Details of liquor licence(s) applying to the premises;
- e) If applicable, copies of the Class 4 gambling venue licences held by merging clubs, confirming the current number of machines licensed to be operated in the merging club venue;
- f) Evidence as to how venues are merging i.e. forming a new legal entity; and
- g) Evidence that the applicant satisfies the requirements of this Policy.

8.2 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. The amount of the application fee will be set by Council in accordance with section 150 of the Local Government Act 2002, and shall include consideration of the cost of processing the application. Kaipara District Council Consent Application.

8.3 A decision to consent to a relocation under this Policy, including any assessment of the sufficiency of information provided, will be made by the Chief Executive, or a person delegated to do so on his/her behalf.