

# Attachment B

## Class 4 Gambling Venues Policy

### Legislative process and analysis requirements

This document summarises all relevant legislative requirements for the process of reviewing the Council's Class 4 Gambling Venues Policy (the Policy) and is attached to this report for completeness.

#### 1. Legislative Process

- 1.1. Section 101(1) of the Gambling Act 2003 (the Act) states that territorial authorities must have a Class 4 venue policy.
- 1.2. Section 101(3) determines the Policy must specify if class 4 venues may be established in the District and where they may be located. and may specific the maximum number of machines permitted at a venue.
- 1.3. Section 101(4) directs Council that it may have regard to any relevant matters when determining where these venues can be located.
- 1.4. Section 101(5) specifies the conditions of a relocation Policy under which Council sets out the circumstances under which it will consider the relocation of a class 4 venue.
- 1.5. Section 102(5) requires the Policy to be reviewed every 3 years.
- 1.6. Section 102 does not provide any requirements regarding matters for consideration in undertaking the required review.
- 1.7. Section 102(1) requires Council to use the special consultative procedure of the Local Government Act 2002 when adopting, amending, or replacing a Policy.
- 1.8. Section 102 (6) provides that the Policy does not cease to have effect because it is due for review or is being reviewed.
- 1.9. Council can choose to retain the Policy in its current format following the statutory review process. The Act does not require consultation with the community before a final decision of Council on the outcome of a review.

#### 2. Analysis and application of the process requirements as applied to Council's current Class 4 Gambling Venue Policy

- 2.1. The Policy was last reviewed in 2018, including a detailed Social Impact Assessment Report.
- 2.2. The Policy continues to perform in alignment with its objectives, which are:
  - (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 can maximise the benefits from Class 4 gambling venue proceeds returned to the community.

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- 2.3. There have been no relocation applications nor complaints received by Council since the last review.
- 2.4. The Policy remains fit for purpose.
- 2.5. The staff recommendation in the Council report this attachment is appended to, is that no amendments are required.