

Class 4 Gambling Venues Policy

1. Relevant Legislation

Gambling Act 2003
Local Government Act 2002

2. Definitions

Class 4 Gambling is:

- (a) gambling that is not gambling of another class and that satisfies the following criteria:
 - (i) the net proceeds from the gambling are applied to or distributed for authorised purposes;
 - (ii) no commission is paid to, or received by, a person for conducting the gambling;
 - (iii) the gambling satisfies relevant game rules; and
- (b) gambling that utilises or involves a gaming machine; or
- (c) gambling categorised by the Secretary as class 4 gambling

Class 4 Gambling Venue means a place used to conduct Class 4 Gambling.

Club means a voluntary association of persons combined for a purpose other than personal gain.

Corporate Society means a society that is:

- (a) incorporated under the Incorporated Societies Act 1908; or
- (b) incorporated as a board under the Charitable Trusts Act 1957; or
- (c) a company incorporated under the Companies Act 1993 that—
 - (i) does not have the capacity or power to make a profit; and
 - (ii) is incorporated and conducted solely for authorised purposes; or
- (d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982

Council means the Western Bay of Plenty District Council.

District means the area administered by the Western Bay of Plenty District Council.

Existing Venue means a venue operating Gaming Machines as of January 2013

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Gambling

- (a) means paying or staking consideration, directly or indirectly, on the outcome of something seeking to win money when the outcome depends wholly or partly on chance; and
- (b) includes a sales promotion scheme; and
- (c) includes bookmaking; and
- (d) includes betting, paying, or staking consideration on the outcome of a sporting event; but
- (e) does not include an act, behaviour, or transaction that is declared not to be gambling by regulations made under section 368.

Gaming Machine:

- (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:
 - (i) a device used only to draw a lottery; or
 - (ii) a random selection device used in a game of housie; or
 - (iii) a device used only to dispense tickets that is not capable of being used to decide the outcome of gambling; or
 - (iv) a communication device that is used both to dispense tickets in and draw a lottery that is a sales promotion scheme; and
- (e) 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
- (f) does not include a device operated by the Lotteries Commission.

Gambling Harm:

- (a) means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and
- (b) includes personal, social, or economic harm suffered—
 - (i) by the person; or
 - (ii) the person's spouse, civil union partner, de facto partner, family, whanau, or wider community; or
 - (iii) in the workplace; or
 - (iv) by society at large

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3. Policy Objectives

- 3.1 To support the purpose and intent of the Gambling Act 2003.
- 3.2 To ensure the Council and its communities has influence over the provision of Class 4 Gambling Venues and Gaming Machines in the District.
- 3.3 To contribute to the minimisation of Gambling Harm caused by Class 4 Gambling Venues in the District.
- 3.4 To prevent any increase in the numbers of Gaming Machines within Class 4 Gambling Venues in the District by imposing a cap of 191.
- 3.5 To enable people who wish to participate in Class 4 Gambling to do so.
- 3.6 To provide opportunities to generate funds for community benefit.
- 3.7 To ensure that actual and reasonable costs relating to Class 4 Gambling Venue consent applications are paid by the applicant(s).

4. General Approach

- 4.1 The Gambling Act 2003 requires the Council to have a policy on Class 4 Gambling Venues for its District. The Council is required to review its policy every three years.
- 4.2 Section 101(3) of the Gambling Act 2003 requires that the gambling policy must specify whether or not new Class 4 Gambling Venues may be established in the District, and if so, where they may be located. The policy may also specify any restrictions on the maximum number of Gaming Machines that may operate at a Class 4 Gambling Venue.
- 4.3 In determining its policy on whether Class 4 Gambling Venues may be established in the District, where any Class 4 Gambling Venue may be located, and any restrictions on the maximum number of Gaming Machines that may be operated at Class 4 Gambling Venues, the Council may have regard to any relevant matters, including:
 - (a) the characteristics of the District and parts of the District;
 - (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
 - (c) the number of Gaming Machines that should be permitted to operate at any Class 4 Gambling Venue;
 - (d) the cumulate effects of additional opportunities for Gambling in the District;
 - (e) how close any Class 4 Gambling Venue should be permitted to be to any other venue;
 - (f) what the Primary Activity at any Class 4 Gambling Venue should be.
- 4.4 A Council consent for a Class 4 Gambling Venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more

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where a Class 4 Gambling Venue licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented Class 4 Gambling venues and cannot impose conditions subsequently on any venue which has an existing licence.

- 4.5 Where Council has concerns about the operation of existing Class 4 Gambling Venues these will be reported to the Department of Internal Affairs. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.

5. Policy Criteria and Conditions

5.1 Who the Policy applies to

This policy applies to Class 4 Gambling Venues.

5.2 Gambling venues

New Class 4 Gambling Venues are permitted in the District from the adoption of this Policy provided that any new Class 4 Gambling Venue does not exceed the cap on Gaming Machines imposed at clause 5.6 of this Policy.

5.3 Location of Class 4 Gambling Venues

Class 4 Gambling Venues will not be permitted where the Council believes that the amenity of the area will be adversely affected or where there is likely to be an adverse effect on any community facilities including kindergartens, early childhood centres, schools and places of worship.

5.4 Relocation of existing Class 4 gambling venues

Council permits the relocation of Class 4 Gambling Venues subject to meeting the location requirements outlined in clause 5.3.

5.5 Primary Activity

The Primary Activity shall not be Gambling or an activity associated with family or children's activities.

Class 4 Gambling Venues are not required to hold a liquor on-licence or club licence however they are expected to ensure that the possibility of people under the age of 18 years gaining access to the venue is minimal.

5.6 Gaming Machine Numbers

Consent will not be granted for new Class 4 Gambling Venues if the application would exceed the cap of 191 Gaming Machines in the District.

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Class 4 Gambling Venues with licenses granted before 17 October 2001 shall be allowed a maximum of 18 Gaming Machines. Class 4 Gambling Venues with licenses granted after 17 October 2001 shall be allowed a maximum of 9 Gaming Machines.

Where Clubs holding a Class 4 Gambling Venue licence elect to merge, the maximum number of Gaming Machines allowed will be thirty (30), or the sum of the Gaming Machines operating in the Clubs prior to the merger, whichever is the lesser.

Council will not provide consent under sections 95(1)(f) or 96(1)(e) of the Gambling Act 2003 to any application by Clubs with Class 4 Gambling Venue licenses seeking Ministerial discretion to increase the number of Gaming Machines permitted at a Class 4 Gambling Venue beyond the number that would otherwise have been permitted under sections 92, 93, or 94 of that Act.

6. Policy Procedures

6.1 Applications for a Class 4 Gambling Venue consent must be made on the approved form (available from Council) and must provide:

- (i) A site plan covering both Gambling and other activities proposed for the Class 4 Gambling Venue
- (ii) The name and contact details of the applicant
- (iii) The street address of the Class 4 Gambling Venue.
- (iv) Evidence of the distance to the nearest residential and community facility zones, and to the nearest school, early childhood centre, kindergarten, place of worship, and to other gambling venues;
- (v) A copy of the current liquor on licence or club licence or where no on licence or club licence is sought a description of how the Class 4 Gambling Venue will prevent people under the age of 18 years gaining access to the venue.

6.2 Gambling Venue Consent Fees

Council will set fees and charges through its usual fees and charges process appropriate to cover the costs associated with processing a Class 4 Gambling Venue consent application and to contribute to the cost of the review of the Class 4 Gambling Venues Policy and any associated assessment of the impact of Gambling in the District

7. Associated Procedures

Liquor licensing procedures.

8. Review

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In addition to the statutory requirements to review the Policy every three years, Council may elect to review this Policy at any time in order to respond to monitoring information and/or community feedback on the operation and level of activity of Class 4 Gambling Venues in the District.

Group	Policy, Planning and Community	Contact (3rd Tier Manager)	Policy, Planning and Community Manager
Supersedes	Class 4 Venues and Board Venues Policy		
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