

Hauraki District Council

**Class 4 Gambling
Venue and NZ Racing
Board Venue Policy**

2017



www.hauraki-dc.govt.nz

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1. INTRODUCTION

- 1.1. This Policy should be read in accordance with the definitions outlined in section 7.
- 1.2. In accordance with the Gambling Act 2003 and the Racing Act 2003 (the Acts), the Department of Internal Affairs has overall responsibility for managing the licensing of Class 4 gambling venues and New Zealand Racing Board venues.
- 1.3. The Acts specify certain responsibilities for councils in relation to the Class 4 gambling and NZ Racing Board venues occurring within their districts, and requires the Council to adopt a policy in accordance with these responsibilities.
- 1.4. The Gambling Act 2003 states that the class 4 venues policy:
 - a. must specify whether or not class 4 venues may be established in the territorial authority district and if so, where they may be located; and
 - b. may specify any restrictions on the maximum number of gaming machines that may operate at class 4 venues.
 - c. may include a relocation policy.
- 1.5. The Racing Act 2003 states that the racing board venue policy must specify whether new board venues may be established in the District and if so where they may be located.
- 1.6. An assessment of the social impacts of gambling (#2223570) was undertaken in July 2017 through written communication with stakeholders and an associated literature and statistical review. This social impact assessment helped inform the review of the policy.
- 1.7. The Council will continue to engage relevant stakeholders prior to each policy review in order to gather the following information and establish trends:
 - i. Monitoring of the social effects of gambling in the District;
 - ii. Collection of statistical data from the Department of Internal Affairs;
 - iii. Identification of issues associated with problem gambling in the Hauraki District;
 - iv. Recommendation of changes to the Council on its Class 4 Gaming policy;
 - v. Identification of projects supported and grants awarded by gaming machine proceeds through trust and societies.

2. POLICY OBJECTIVES:

- 2.1. The objectives of this policy are:
 - a. To ensure the Council and the community has influence over the location of new Class 4 gambling and New Zealand Racing Board (NZRB) gambling venues in the Hauraki District whilst allowing those who wish to participate in gaming machine and NZRB gambling to do so.
 - b. Restricting the growth of gambling by:
 - i. capping the number of Class 4 gambling venues in the Hauraki District, and

- ii. capping the total number of gaming machines in the Hauraki District
- c. To further reduce the harm associated with problem gambling in the Hauraki District by:
 - i. eventually restricting the number of machines in Hauraki District to meet the national average of people per machine, and
 - ii. monitoring the social impacts of gambling prior to each policy review.

3. POLICY:

3.1. ESTABLISHMENT OF CLASS 4 VENUES

- 3.1.1. Class 4 venues may be established within Hauraki District subject to:
 - a. meeting application and fee requirements;
 - b. the number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) on gaming machines in the Hauraki District as detailed in this policy;
 - c. the number of gambling venue licences issued at any time not exceeding the district cap (maximum) for Class 4 gambling venue licences in the Hauraki District as detailed in this policy;
 - d. not being a venue at which any activity at the venue is associated primarily with family or children's activities, or a venue that promotes their premises predominantly for family dining or family activities;
 - e. the applicant having the appropriate resource consent approvals, if required.
- 3.1.2. A venue which operates as a brothel will not be granted a Class 4 gambling venue consent.

3.2. PREDOMINANT ACTIVITY OF CLASS 4 GAMBLING VENUES

- 3.2.1. The predominant activity of any Class 4 gambling venue shall be:
 - a. For the sale of alcohol or, the sale of alcohol and food where the venue is subject to an on-licence (but not being a bring-your-own licence) or club licence; or
 - b. The conducting of race and sports betting in standalone, alcohol free New Zealand Racing Board venues under the Racing Act 2003.

3.3. NEW ZEALAND RACING BOARD VENUES

- 3.3.1. New Zealand Racing Board venues that are not operating gaming machines will be permitted in the Hauraki District subject to meeting the requirements of the operative Hauraki District Plan, or the operative Franklin District Plan in the area of Kaiaua.
- 3.3.2. A New Zealand Racing Board venue applying to operate gaming machines will be treated as a class 4 venue and as such will be subject to restrictions listed in this policy.

3.4. LOCATION OF CLASS 4 GAMBLING PREMISES

- 3.4.1. Class 4 gambling venues must not be located in premises that are incompatible with other permitted uses in the relevant zones (e.g. industrial zone, residential zone).
- 3.4.2. No Council consent to class 4 gambling licences shall be issued for any premises which is located within 50 metres of the legal site boundary of a school or early childhood education centre, or 50 metres away from a Council administered children's playground.
- 3.4.3. Where a class 4 gambling venue is to be located within 500 metres of a school or early childhood education centre:
 - 3.4.3.1. the applicant shall provide a copy of their application directly to these facilities, and
 - 3.4.3.2. the facilities will be considered as affected parties to the application.
- 3.4.4. Class 4 gambling venues must not allow any gambling activity to be visible to passing pedestrian traffic.

3.5. OVERALL CAP ON THE NUMBER OF GAMING MACHINES TO BE ALLOWED IN THE HAURAKI DISTRICT

- 3.5.1. The maximum number of gaming machines allowed (cap) within the Hauraki District shall not exceed 69.
- 3.5.2. New Class 4 gambling venues shall be allowed a maximum of no more than nine (9) gaming machines.
- 3.5.3. A venue that held a gambling licence on 17 October 2001 and has not been without a licence for more than six months since then may operate its notified number of gaming machines. In these instances, the cap shall not apply.

3.6. OVERALL CAP ON NUMBER OF CLASS 4 GAMBLING VENUES TO BE ALLOWED IN THE HAURAKI DISTRICT

- 3.6.1. The number of Class 4 gambling venues operating within the district shall not exceed nine (9).

3.7. CLUBS MERGING WITH CLASS 4 GAMBLING LICENCES

- 3.7.1. Should two or more clubs with existing Class 4 gambling venue licences merge the Council will give consideration to the maximum number of machines at the merged venue being up to the lesser of:
 - a. the number of merging venues multiplied by nine; or
 - b. the total of the machine numbers in the merging venues prior to the merger; or
 - c. 18 machines.

- 3.7.2. The Council requires confirmation that cancellation of previous class 4 venue licences held by the corporate societies has been undertaken before it will approve consent for the proposed merged venue.¹
- 3.7.3. Council consideration on the merger may take into account any submissions made by the merging venues or the successor venue.

3.8. SIGNAGE FOR CLASS 4 GAMBLING VENUES

- 3.8.1. For signage restrictions refer to the Operative Hauraki District Plan or the Franklin District Council Control of Signs Bylaw if the proposal is within the former Franklin area now incorporated into Hauraki District.

3.9. RELOCATION POLICY

- 3.9.1. The Council may permit a class 4 venue to re-establish at a new site where, due to extraordinary circumstances, the owner or lessee of the class 4 venue cannot continue to operate at the existing site. Examples of such circumstances include, but are not limited to, the following:
- a. expiration of the lease; or
 - b. acquisition of property under the Public Works Act; or
 - c. site redevelopment.
- 3.9.2. Any permission to re-establish a class 4 venue at a new site under clause 3.9.1 will be subject to the following conditions:
- a. The venue operator of the business at the new site shall be the same venue operator at the site to be vacated;
 - b. The maximum number of gaming machines permitted to operate at the new venue at the time when the new venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled;²
 - c. The new site must meet all other requirements as set out in this policy.

4. POLICY REVIEW

- 4.1. The review of this Policy will be undertaken in line with the Gambling Act 2003 and the Racing Act 2003 (every three years after the Policy is adopted).

¹ Gambling Act 2003, s 95 (6)(a)

² Gambling Act 2003, s 97A (2)(b)

5. APPLICATIONS FOR CONSENT

- 5.1. Applications to the Hauraki District Council for Class 4 venue consents must be made on the approved application form (#2120019 - available on the Council's website) and must provide:
- a. name and contact details for the application;
 - b. street address of premises proposed for the Class 4 licence;
 - c. the names of management staff;
 - d. evidence of police approval for owners and managers of the venue;
 - e. a copy of the approved gambling harm minimisation policy, the staff training programme and the applicants host responsibility programme;
 - f. evidence of the distance to the nearest residential zone, and all other locations stated in clause 3.4.2 of this policy;
 - g. details of sale and supply of alcohol licence(s) applying to or proposed for the premises.
- 5.2. The Hearings and Judicial Committee (the Committee) of the Council shall consider all applications for Class 4 venue consents received.
- 5.3. The Committee shall suspend consideration of, or refuse consent where any part of the application falls outside the venue policy;
- 5.4. Without limiting the Committee's right to consider and determine an application for Class 4 venue consent on any relevant issues the Committee shall suspend consideration of a venue consent application if:
- a. any necessary resource consent has not been issued.
 - b. the applicant cannot show that the opportunity for people under the age of 18 gaining access to gambling machines is minimal.
 - c. it believes the proposed venue site is not in accordance with clause 3.4 of this policy.
- 5.5. The Committee may also suspend consideration of or refuse consent in other circumstances where it considers further information is required.
- 5.6. Application fees will be set by the Hauraki District Council from time to time, and shall include consideration of the cost of processing the application, including any consultation and hearings involved.

6. RELEVANT LEGISLATION

- Gambling Act 2003
- Racing Act 2003
- Local Government Act 2002
- Gambling (Class 4 Net Proceeds) Regulations 2004

7. DEFINITIONS

Board venue	has the same meaning as the interpretation in the Racing Act 2003.
Class 4 Gambling	has the same meaning as the interpretation in the Gambling Act 2003.
Class 4 venue	has the same meaning as the interpretation in the Gambling Act 2003.
Early Childhood Education Centre	includes any crèche, childcare centre, kindergarten, kohanga reo, or playcentre or any other place (excluding school) where five or more children receive care or education.
National average of people per machine	this means taking the Hauraki District population and dividing by the number of machines in the District, and aiming for this number to be in line with the NZ population divided by the number of machines nationally.
Problem gambler	has the same meaning as the interpretation in the Gambling Act 2003.
Gambling area	has the same meaning as the interpretation in the Gambling Act 2003.
School	includes any primary, intermediate or secondary school and any Kura Kaupapa.
Venue licence	has the same meaning as the interpretation in the Gambling Act 2003.

8. AUDIENCE:

This policy is primarily aimed at class 4 venues and New Zealand Racing Board venue premises. It also affects the entire community through its ongoing sinking lid policy which aims to minimise the harmful effects of problem gambling.

9. DOCUMENT MANAGEMENT AND CONTROL

	Title:	<i>Class 4 Gambling Venue and NZ Racing Board Gambling Venue Policy 2017</i>		
	Sponsor:	<i>Peter Thom</i>		Adopted by:
		<i>Hauraki District Council – 25/10/17</i>		
	Adopted:	Review Date:	Version:	File Ref:
	2017	2020	6	2240572
	2014	2017	4	1197164
	2011	2014	3	764354
2007	2010	2	169875	
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