

<b>Central Hawke’s Bay District Council</b>  <b>CLASS 4 GAMBLING AND BOARD VENUE POLICY</b>	<b>POLICY MANUAL</b>	
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## 1. Introduction

The Gambling Act 2003 was enacted on 18 September 2003. The Act requires the Central Hawke’s Bay District Council to adopt a Class 4 Gambling Venue Policy for the District. The Act also amended the Racing Act 2003 so that territorial consent is required to establish a new TAB (called a *Board Venue* in the Act). Under that amendment Council is required to adopt a Board Venue Policy for the District.

Both policies must be adopted in accordance with the Special Consultative Procedure set out in the Local Government Act 2002.

The Gambling Act 2003 and the Racing Act 2003 together state that the Gambling Venue and Board Venue Policies:

- Must specify whether or not Class 4 Venues (hereafter referred to as Gambling Venues) may be established in the District, and if so, where they may be located.
- May specify any restrictions on the maximum number of Gaming Machines that may be operated at any Gambling Venue. The Gambling Act establishes a maximum limit of nine (9) machines for new venues and those venues that obtained a licence after 17 October 2001.
- In the development of this policy Council must have regard for the social impacts of gambling on the Central Hawke’s Bay district community.

## 2. Definitions

**Class 4 Gambling:** Gambling that utilises or involves electronic gaming machines, otherwise known as “pokie machines”.

**Class 4 Gambling Venue:** Any venue that conducts Class 4 Gambling activities outside a casino.

**Community Facility:** Land or buildings which are used in whole or in part for the assembly of persons for such purposes as deliberation or social entertainment or similar purposes and including buildings used for clubrooms, arts, museum and cultural community premises, cinemas, theatres, conference rooms, church halls, marae and meeting rooms, but not including a chartered club or building designed specifically for indoor recreation.

**Pedestrian Distance:** the shortest distance a person on foot would take as opposed to the same distance in a straight line.

**Problem Gambler:** A person whose gambling causes harm or may cause harm, as defined in the Gambling Act 2003.

**TAB:** Totalisator Agency Board [*now known as the New Zealand Racing Board (NZRB)*].

### **3. Purpose of Policy**

The objectives of the Gambling Act are to control the growth of gambling and to prevent and minimise harm, including problem gambling. The purpose of the Central Hawke's Bay District Council's Class 4 Gambling Venue and Board Venue Policy is:

- 3.1 To provide for the continued availability of Class 4 Gambling within Central Hawke's Bay District in accordance with the purpose and intent of the Gambling Act 2003.
- 3.2 To establish an appropriate maximum level of opportunities for Class 4 Gambling activities in the Central Hawke's Bay District in order to avoid or minimise the harm caused by problem gambling.
- 3.3 To ensure Gambling Venue Operators act responsibly and promote harm minimisation.
- 3.4 To facilitate community involvement in decisions about the provision of gambling.

### **4. Location of New Class 4 Gambling Venues and TAB (NZRB) Venues**

- 4.1 No new Class 4 Gambling Venue shall be established where the total number of Gaming Machines in Central Hawke's Bay District exceeds the number of machines specified under Section 6 of this Policy.
- 4.2 A new Class 4 Gambling Venue and/or TAB (NZRB) Venue shall not be established in any zone other than within the Business Zones of Waipukurau and Waipawa as defined in the Central Hawke's Bay District Plan.
- 4.3 Consent will not be granted for a new Class 4 Gambling Venue or TAB (NZRB) Venue where the location of the proposed venue is not incompatible with other predominant uses of the proposed premises.
- 4.4 Consent will not be granted for a new Class 4 Venue at which the primary activity is associated with family dining, family activities (e.g. cinemas) or children's activities.
- 4.5 No new Class 4 Gambling Venue or TAB (NZRB) Venue may be closer than 100 metres pedestrian distance of any school, early childhood centre, kindergarten, place of worship or other community facility.

### **5. Predominant Activity of Class 4 Venues**

- 5.1 A new Class 4 Gambling Venue and/or TAB (NZRB) Venue shall only be established in a premises having an on-licence (where the principal purpose is the sale of liquor and that the area is designated restricted) or club licence for the sale of liquor.

- 5.2 Every application must be able to satisfy Council that the primary purpose of the proposed venue is not the provision of Class 4 Gambling activities.
- 5.3 Any venue which operates as a brothel, as defined in Section 4 of the Prostitution Reform Act 2003, will not be granted a venue consent.
- 5.4 Subject to the provisions above, Class 4 Gambling Venues may be established in locations commonly used for organised sporting or other recreational non-profit purposes.

## **6. Number of Gaming Machines Allowed District Wide**

- 6.1 The total number of Gaming Machines in Central Hawke's Bay District, as specified by the Department of Internal Affairs, may not exceed the ratio of one machine per 300 residents, as determined by the latest Census data.
- 6.2 The cap on total numbers of Gaming Machines specified in Section 6.1 will only apply from 22 February 2018.
- 6.3 Council may grant consent under s 98(c) of the Act to relocate a venue to which a Class 4 Venue Licence currently applies. Generally the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere within this policy, are:
  - The existing physical venue must be ceasing to operate as a licensed premises;
  - The relocated venue must be in the same geographic area as the existing venue. Venues will not be allowed to move from one town within the District to another town under this provision;
  - The relocated venue must be operated by the same corporate society operating the existing venue;
  - The relocated venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003;
  - The merging of existing venue conditions and transferred venue conditions is not permitted.
- 6.4 This section does not affect any new Class 4 Gambling Venue where a licence to operate Gaming Machines was held for the same premises by any operator within the previous six months. A venue that has been licensed to operate Gaming Machines but has either relinquished that licence or otherwise no longer operates Gaming Machines will not be subject to the provisions of Section 6 of this policy.

## **7. Number of Gaming Machines Allowed Per Venue**

- 7.1 This section does not affect any Class 4 Gambling Venue established on or before 17 October 2001.
- 7.2 Class 4 Gambling Venues established between 18th October 2001 and 18th March 2004 shall be allowed a maximum of nine (9) Gaming Machines.

- 7.3 Class 4 Gambling Venues established after 18th March 2004 shall be allowed a maximum of nine (9) Gaming Machines, subject to Section 6.
- 7.4 Should two (2) or more existing Class 4 Gambling Venues merge; the merged venue shall be allowed a maximum of nine (9) Gaming Machines, subject to Section 6.
- 7.5 In all circumstances the number of Gaming Machines proposed for the venue will not result in the total number of Gaming Machines in the Central Hawke's Bay District exceeding the number of machines specified under Section 6 of this Policy. If this limit is exceeded, the number of machines will not be approved accordingly.
- 7.6 Any venue wishing to increase the number of Class 4 Gaming Machines additional to the number of machines operated as at 22 February 2018 may not do so if the proposed increase results in the total number of machines in the Central Hawke's Bay District exceeding the number of machines specified under Section 6 of this Policy.

## **8. No Advertising Using the Word "Casino" or Similar**

New Class 4 Gambling Venues may not advertise themselves using the word "casino" or similar.

## **9. Other Matters to be Considered**

- 9.1 Every application must be able to satisfy Council that a policy is in place to ensure a minimum risk of persons under the age of 18 years having access to the machines.
- 9.2 Every application must be able to satisfy Council that adequate policies are in place to ensure gambling harm minimisation, including a staff training programme.
- 9.3 Every proposed venue must meet all planning provisions as required in the Central Hawke's Bay District Plan.
- 9.4 Every applicant must meet all application and fee requirements.

## **10. Applications**

Applications for Council consent for a new Class 4 Gambling Venue or TAB (NZRB) Venue must be made on an approved form and must provide:

- 10.1 Name and contact details for the application.
- 10.2 Street address of premises proposed for the Class 4 Gambling Venue consent or TAB (NZRB) Venue consent.
- 10.3 The names of all owners and managers.
- 10.4 Details of liquor licence(s) applying to the proposed premises (if applicable).
- 10.5 Evidence of Police approval for owners and managers to apply for consent to establish a Class 4 Gambling Venue or TAB (NZRB) Venue consent.
- 10.6 A copy of the proposed gambling harm minimisation policy and staff training programme.

- 10.7 A site plan covering both Class 4 Gambling activities and other activities proposed for the venue, including details of each floor of the venue.
- 10.8 Evidence of the pedestrian distance to the nearest school, early childhood centre, kindergarten, place of worship or other community facility.

## **11. Application Fees**

Application fees will be set by Council and shall include consideration of:

- 11.1 The cost of processing the application, including any consultation and hearings involved.
- 11.2 A contribution to the cost to Council of inspecting Class 4 Gambling Venues and Board Venues to ensure compliance with consent or licence conditions.
- 11.3 Fees will be reviewed together with the Policy on a three-yearly basis.

## **12. Policy Review**

- 12.1 This policy will be reviewed on a three-yearly basis.
- 12.2 This policy may be reviewed at any time where there is an urgent concern or request from the community.