

Council Policy

Policy Title:	Class 4 Venues
Responsibility:	Group Manager Community and Regulation
First Adopted:	2006
Review Date:	April 2010
Review Frequency:	Three yearly, or as required



Policy Objectives

- To enable Council to undertake its responsibilities under the Gambling Act 2003 and the Racing Act 2003.
- To ensure the community has input into the decision making over the provision of new Class 4 Venues, including stand alone Totalisator Agency Boards (TABs) within the Ruapehu District, reflective of the communities degree of concern for the effects of these venues.
- To encourage responsible gambling practices and attitudes in Class 4 Venues and to minimise the incidence and harm caused by problem gambling.
- To facilitate community access to information about the funds generated and distributed from Class 4 gaming machines within the District.

Principles

This policy is developed to comply with the requirements of the Gambling Act 2003 and the Racing Act 2003. Every territorial authority is required to have a Class 4 Venue Policy governing Class 4 Gambling activities. Every Class 4 Venue Policy must specify whether or not new gaming machine venues may be established in the territorial authority District. If a Class 4 Venue Policy permits new gaming machines the territorial authority may place limitations on the absolute number and location after giving consideration to the impact of gambling in the District as outlined in the required Social Impact of Gambling Assessment Report.

The Class 4 Venue Policy targets Ruapehu Strategic Plan outcomes:

- Outcome 16. The community has access to information, is aware of issues, has opportunities to provide input and can influence outcomes.
- Outcome 17. Communities actively participate in the development of local facilities and services that affect them.

Background

Section 101 of the Gambling Act 2003 states:

- (1) A territorial authority must, within 6 months after the commencement of this section, adopt a policy on class 4 venues.
- (2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
- (3) The 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 be operated at a class 4 venue.
- (4) In determining its policy on whether class 4 venues may be established in the territorial authority district, where any venue may be located, and any restrictions on the maximum number of gaming machines that may be operated at venues, the territorial authority 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 venue or class of venue:
 - (d) the cumulative effects of additional opportunities for gambling in the district:
 - (e) how close any venue should be permitted to be to any other venue:
 - (f) what the primary activity at any venue should be.

Section 65 D of the Racing Act 2003

- (1) A territorial authority must, within 6 months after the commencement of this section, adopt a policy on Board venues.
- (2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
- (3) The policy must specify whether or not new Board venues may be established in the territorial authority district and, if so, where they may be located.
- (4) In determining its policy on whether Board venues may be established in the territorial district and where any Board venues may be located, the territorial authority 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 cumulative effects of additional opportunities for gambling in the district

Other Policy Links

LGA Sections 76-82 Decision Making and Consultation guidelines.

Policy Statement

1 Definitions

Class 4 Venue

A place at which electronic gaming machines (gaming machines or pokies) are located, or for the purposes of application, at which it is proposed that electronic gaming machines are located, or premises that are owned or leased by the Totalisator Agency Board and where the primary activity at the premises is the provision of racing betting or sports betting.

Club

A voluntary association of persons either incorporated or not, and combined for a purpose other than personal or commercial gain.

Primary Activity

The activity primarily associated with and promoted by the venue.

Society

An association of persons incorporated or not, and established and conducted entirely for purposes other than commercial gain.

Territory Authority Consent

Territory authority consent is required for all new Class 4 venues, venues with licences on 17 October 2001 which are applying to increase the number of machines up to 18 or venues that had licences on 17 October 2001 which have expired for 6 months or more.

2 Primary Activity of a New Class 4 Venue

- 2.1 Section 671k of the Gambling Act 2003 states that the primary activity of a Class 4 Venue may not be the operation of gaming machines. The primary activity of any Class 4 Venue shall be:
- (a) the sale of liquor; and,
 - (b) sporting club activities; and/or,
 - (c) private club activities.
 - (d) activity of a Totalisator Agency Board (TAB)
- 2.2 The primary activity of a venue applying for a consent to operate Class 4 gaming machines may not be one predominantly associated with a family and/or children's activity, and it is generally expected that patrons will be restricted to persons 18 years and over.
- 2.3 Venues applying for Class 4 gaming machine consent must not have a separate entrance, or otherwise be separate from the primary activity.
- 2.4 Gaming machines and/or signage relating to or promoting gaming machines must not be visible from any public place outside the venue.

3 Gaming Machine Location

- 3.1 Consent for the operation of Class 4 gaming machines themselves will be considered on the basis of this Class 4 Venue Policy.
- 3.2 Class 4 gaming machines must be located in a Commercial Zone.
- 3.3 Venues applying for consent to operate Class 4 gaming machines outside a Commercial Zone must satisfy the following requirements of this Class 4 Venue Policy, as well as any other District Plan considerations. Application for consent for Class 4 gaming machine operation must be received at the same time as any separately required resource consent and accompany any public notification. The applicant must:
- (a) Submit a Gambling Harm Minimisation report to demonstrate how the applicant will mitigate against effects identified in Council's Social Impact of Gambling Assessment Report.
 - (b) Demonstrate that the provisions relating to Section 1 'Primary Activity of a Class 4 Venue' of this policy have been complied with.

4 Permitted number of Gaming Machines

- 4.1 The total numbers of gaming machines permitted in the Ruapehu District will be controlled by the statutory limitations imposed on Class 4 Venues, being:
- (a) Existing venues with licences issued before 17 October 2001 will be permitted to operate a maximum of 18 gaming machines.
 - (b) Existing or new venues with licences issued after 17 October 2001 will be permitted to operate a maximum of 9 gaming machines.
 - (c) Where two or more clubs legally and physically combine their premises, at one of the existing venues, the number of gaming machines they operate must not exceed the lesser of 30, or the sum of the number of gaming machines specified in the clubs' licences at the time of application.

5 Gambling Harm Minimisation Policy

- 5.1 All venues applying for Class 4 gaming machine consent must have a Gambling Harm Minimisation Policy at the time of application for consent. This policy must include as a minimum, but not be limited to:
- (a) Outlining procedures for preventing access to gaming areas by persons under 18 years of age
 - (b) Adequate procedures to encourage responsible gambling (including addressing procedures relating to children accompanying caregivers using gaming machines)
 - (c) Signage designating gaming machine areas inside the venue
 - (d) Contact information available in the form of signage near gaming machines for the Problem Gambling Foundation
 - (e) Staff training procedures for Gambling Harm Minimisation management.
 - (f) All of the effects in Section 5.1 of the Social Impact of Gambling Assessment must be addressed by the applicant's Gambling Harm Minimisation policy before consent will be approved.

6 Distribution and Disclosure of Profits

- 6.1 The distribution and disclosure of profits must be undertaken in accordance with Section 110 of the Gambling Act 2003, including the following:
- (a) Application forms for community grants and/or funding from gambling machines are to be held and be publicly available on request at each Class 4 venue.
 - (b) The distribution of profits to community groups, with both successful and unsuccessful applicants and amounts of each grant, must be publicly notified annually and be publicly available on request from the Class 4 Venue.

7 Administration

- 7.1 Application Fees: The fee for processing 1 application and 1 site inspection will be \$150.00, plus actual and reasonable costs as amended periodically in the Ruapehu District Long Term Community Council Plan (LTCCP) or the Annual Plan.
- 7.2 The Council has 30 working days in which to determine a consent application.
- 7.3 The effectiveness of this policy will be reported on within 3 years following its adoption then reviewed triennially thereafter.

Relevant Delegations

As per Delegations Manual

Annotations

Date	Description
2006	Original Policy Adopted
13/04/10	Policy Reviewed and Reformatted (no textual changes)