

# **Gambling Class 4 Venue Policy**



# 1. Introduction

The Gambling Act 2003 required Horowhenua District Council to develop with its communities, and subsequently adopt, a policy on Class 4 gambling venues, i.e. pokie machine sites. The policy was first adopted by Council on 17 March 2004.

This policy has now been reviewed as required by the Gambling Act 2003, and the Policy is limited to Class 4, non-casino, gambling machine (pokie) venues.

The Council has determined that a 'sinking lid' gambling venue policy will be used to control and, in time, reduce the number of Class 4 gaming machine venues in the District.

The 'sinking lid' policy will not permit the establishment of new Class 4 gaming machine venues and it will not permit gaming machine societies to increase the number of gaming machines in the District.

## 2. Objectives of the policy

The objectives of this policy are:

- To control gaming machine gambling in the Horowhenua District;
- To cap the number of gaming machines in the Horowhenua District;
- To cap the number of Class 4 gaming machine venues in the Horowhenua District;
- To reduce the number of gaming machines through attrition (this does not affect repair and/or replacement of existing gaming machines);
- To prevent and minimise the harm caused by gambling;
- To facilitate community involvement in decisions about gambling;
- To recognise there are negative social, economic and health impacts from problem gambling.

## 3. Gaming Machines and Gaming Venues

The following shall apply as the policy of the Horowhenua District Council:

- No additional Class 4 gaming machine venues are to be established in the Horowhenua District except as provided for in Section 4 of this policy;
- All gaming machines as at the date of adoption of this policy may continue until such time as the venue does not hold a licence for gaming machines;
- If a venue has not held a licence for gaming machine gambling within the last six (6) months, the District Council will not allow the re-establishment of a Class 4 gaming machine venue;
- Existing Class 4 venues may not increase the number of gaming machines that exist at the date of this policy. The Council will not grant consent for any venue or club to operate additional gaming machines.

## 4. Merged Clubs

- 4.1 Applications to continue operating gaming machines where two or more existing clubs combine will be considered a new application for consent.
- 4.2 The Council will issue a consent where two or more existing clubs combine, provided the total number of gaming machines in the new venue does not exceed two thirds of the combined original total of machines permitted under the merging venue licences.
- 4.3 Any application for consent for the mergers of clubs which hold class 4 venue licences is required to provide information as detailed in section 6 of this policy, and in addition:
  - a) The street address of the new venue; and
  - b) Copies of the class 4 venue licences held by all the proposed merging clubs, confirming the current number of machines licenced to be operated in the existing venues.

## 5. Class 4 Venues – Relocation Policy

- 5.1 The Council will only consider granting consent for the relocation of a class 4 venue if the premises cannot continue to operate at the existing venue, and is considered to be forced to vacate its existing venue through no fault of its own if–
  - a) The existing venue is unfit to continue operation due to a natural disaster or fire;
  - b) The existing venue is required to move due to public works acquisition under the Public Works Act 1981; or
  - c) The expiration of the existing venues' lease; or
  - d) The existing venue is an earthquake prone building or a venue with <34% NBS and the premises is relocating into a venue of more than 34% NBS
- 5.2 A Class 4 venue that is forced to vacate its existing venue through no fault of its own as defined by clause 5.1 of this policy, may be granted a consent to continue its gaming activity in another venue or rebuilt premises for the same number of machines that they were licensed to operate subject to –
  1. The current Class 4 venue operator is intending to and will be conducting Class 4 gambling at the new location,
  2. The vacated site will not be able to be used by any other Class 4 operator to operate Class 4 Gambling,
  3. The Class 4 operator and venue operator are the same as those cited in the venue agreement for the existing venue and the proposed new venue,
  4. The Class 4 operator has been conducting class 4 gambling at the exiting venue within the last 4 weeks,
  5. No new Class 4 venue for any premises shall be located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, Marae, health care facility, public park or reserve, urupa, or cemetery, or other community facilities existing at the time the application is made.
  6. Any new Class 4 Venue, temporary or permanent, must be located in the District where Class 4 venues are a permitted activity under the Horowhenua District Plan or where a resource consent to undertake the activity proposed is granted.

## **6. Consent Applications and Fees**

- 6.1 Applications for Council consent for the relocation of an existing class 4 venue or merge of two or more existing class 4 venues must be made to the Council and must include:
- a) The name and contact details of the applicant(s);
  - b) The names of management staff for the existing venue and new venue;
  - c) The street address of the existing venue and new venue;
  - d) Any prescribed fees; and
  - e) Any other information that may be reasonably required to allow proper consideration of the application, including how the applicant will encourage responsible gambling practices.
- 6.2 Application fees will be set by the Horowhenua District Council pursuant to section 150 of the Local Government Act and shall include the cost of processing the application, including any consultation or hearings involved.

## **7 Adoption, Commencement and Review**

This policy was adopted at the duly notified Council meeting held on 13 April 2022, and after completion of the special consultative procedure, and takes effect from 14 April 2022.

This policy will be reviewed in conjunction with the TAB Venue Policy within three (3) years of being adopted by Council.