

## Class 4 Gaming and TAB Venue Policy ~~(#3117)~~

Adopted: 28 April 2004

Reviewed: ~~30 October 2014 XX~~

### Background

~~The Policy is initially made for the purposes of section 101 of the Gambling Act 2003 and section 65D of the Racing Act 2003. This revision is made under section 103 of the Act. The Class 4 Gaming and TAB Venue Policy is made under Section 101 of the Gambling Act 2003 and section 96 of the Racing Industry Act 2020. The review and amendments to the Policy are made under Section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020.~~

Under the Gambling Act 2003, applicants for Class 4 gaming ('pokies') venue licenses must have the consent of the territorial authority in which the venue is, or will be, situated. In order to consider and determine applications for consent, territorial authorities are required by the Act to have a policy specifying whether or not Class 4 venues may be established in their district, ~~and if so where. The policy may also include a relocation policy, and may restrict the maximum numbers of machines below the statutory limits (in the Act this is 18 for venues licenced as at 17 October 2001, and 9 after that date, with some exceptions for clubs), where Class 4 licensed venues may be located in the district, and may also place additional limits on the number of machines per venue, which the Act sets at nine per venue.~~

~~In terms of section 65D of the Racing Act 2003~~ Under Section 96 of the Racing Industry Act 2020, territorial authorities must adopt a ~~Board venue~~ policy ~~for stand-alone "TABs" on TAB venues operated by the New Zealand Racing Board.~~ The policy must specify whether or not new ~~Board standalone TAB~~ venues may be established in their district, and where they may be located.

This policy has been developed to enable the Council to consider and determine consent applications. As required by the Acts, all decisions by the Council to grant or decline consent must be made in accordance with this policy.

### Objective

The Far North District Council supports the primary objectives of the Gambling Act 2003 to ensure that:

- Gambling is primarily used to raise funds for community purposes
- The harm caused by gambling is prevented or minimised
- Local involvement in decisions about the availability in communities of more 'risky' forms of gambling is facilitated
- The growth of gambling is controlled
- Gaming machines are located in appropriate venues
- Community input is sought in the preparation of the Policy through the Local Government Act 2002 Special Consultative Procedure (SCP)

### Policies

#### Class 4 Venues

1. The Far North District Council has set a 'sinking lid' on the number of machines in the district with effect from the date the policy is adopted by Council. Under a sinking lid policy, ~~there will never be machines~~

~~available for redistribution.~~ Council will not grant consent for the establishment of any new Class 4 gaming venues, except where an existing licensed venue needs to relocate for the reasons specified below. Council will not grant consent for additional Class 4 gaming machines, and machines will not be available for redistribution.

2. The Far North District Council will accept applications for the relocation of existing machines to a new venue. The criteria for relocation are:

- ~~a. A venue licence was not held on 17th October 2001, but granted after that date, and before commencement of the Gambling Act 2003~~
- b. Where two or more clubs, with existing licenses, may legally merge, at which time the maximum number of machines should not exceed 18, and ~~that~~ the venue ~~is~~ must be suitably located to meet the criteria of this Policy; or,
- c. Where an ~~existing~~ business which holds an existing Class 4 gaming license wishes to relocate from its current premises to a new venue within the District, and take all or fewer of its existing machines to those new premises; ~~no machines may remain at the former venue.~~ Council will only consider such applications for relocations due to:
  - i. Fire or other damage to the present venue, or
  - ii. Expiry of lease on present venue, or
  - iii. The building of a new premises or refurbishment of an existing building as a new venue.
- d. No machines may be left at the current venue.
- e. A new venue will not be considered if it is defined as a venue declared unfit under section 4 of the Gambling (Harm Prevention and Minimisation) Regulations 2004.
- ~~f. The intent to consider a relocation will be publically notified; including on the Council website.~~ Applications for relocation of machines to a new premise will be subject to public notification and referred to the relevant Community Board for consideration and comments, as well as other key interested parties (e.g. the Police, Te Whatu Ora).
- ~~g. A new Class 4 gaming venue must not be within 100 metres of any other Class 4 gaming venue.~~
- ~~h. A new Class 4 gaming venue must not be in a higher deprivation area than the existing venue.~~
- i. New Class 4 gaming venues shall be in Commercial, Industrial, General Coastal, Rural Living or Rural Production zones, or within sports clubs or public houses and shall be eligible for consent provided the venue is at least 100 metres from any Kindergarten, early childhood centre, school, place of worship, Marae, or other community facility, and 100 metres from ~~a~~ any Residential, Coastal Residential, Coastal Living, or Recreational Activities zones.
- j. If it is not practicable to apply a 100 metre proximity policy, then the distance becomes a discretionary condition. The Council will then make the decision.
- k. Following the Waikiwi precedent, certain kinds of moves will not trigger the Council's relocation policy. If the relocation to a different site meets the following criteria, it may not be a change of venue:
  - a. the new building is in very close proximity to the existing site
  - b. the venue name will be the same
  - c. ownership and management of the venue will be the same
  - d. patrons and the public will regard it as the same venue.

## TAB Venues

3. TAB venues in on-licence premises do not require a **gaming TAB** venue consent from Council.
4. In alignment with the sinking lid policy on class 4 gaming machines, the Far North District Council will **not** accept ~~New Zealand Racing Board TAB NZ applications for new TAB venues, in relation to their location, subject to:~~
  - a. ~~All new venues shall comply with the criteria for location, and all associated fee payments shall be paid, as defined in this policy.~~
  - b. ~~All TAB venues shall be located in the Commercial/Industrial zone, or be located in a Public House, tavern or hotel premises that holds an 'on-licence' for that premises under the Sale and Supply of Alcohol Act 2012.~~

## Procedures

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### Application requirements

1. All applications for consent for Class 4 Gaming machines or TAB Venues ~~shall be made with Council's Environmental Management department, and~~ must be accompanied ~~with by~~ the following information:
  - A fully completed prescribed application form.
  - Appropriate application fee payment. This fee shall incorporate the administration charge and a proportion of the cost of monitoring and review of policy.
  - A full floor plan, location map of premises, detailing distance to nearest school, Kindergarten, Child care centre, place of worship or other community facility, and residential zone.
  - Floor plan to be the same plan that accompanies the Sale & Supply of Alcohol Act (2012) On-Licence and show designated areas.
  - Details of current or proposed Liquor Licence applications, or existing licenses.
  - Copies of all other appropriate current licenses (e.g. Health Licence)

### Processing of Relocation Applications

2. ~~All applications will be processed by the Environmental Protection Department in conjunction with Resource Management Division.~~
3. ~~All applicants that comply with the policy shall be processed within 30 working days of receipt. However, if an application does not fully meet the criteria and is recommended to 'Council' for a decision, period from lodgement to decision will vary depending on Council meeting dates.~~
4. Applications will be checked by **Monitoring Council** staff to ensure that all relevant information has been provided. In cases where all relevant information is not available, the application shall be rejected as incomplete, ~~and the 30 day working period shall not commence until all the relevant information is submitted.~~ This information shall include payment of any appropriate fees.
5. All accepted applications ~~shall be referred to the Resource Planning division will be checked to ensure compliance with District Plan requirements and to the Community Board for community comments prior to any consents being issued.~~ At this point, the applicant will be notified of the need for any Resource Consents, if applicable.

6. Applications for relocation of machines to a new premise will be subject to public notification and referred to the relevant Community Board for consideration and comments, as well as other key interested parties (e.g. the Police, Te Whatu Ora).
7. Applications will be assessed ~~by a Monitoring officer~~ for compliance with the **Class 4** Gaming and TAB Venue Policy.
8. Consents will be issued following compliance with Resource Planning requirements if necessary and compliance with **the Class 4** Gaming and TAB Venue Policy.
- ~~9. Applications for relocation of machines to a new premise will be subjected to Public Notification and referred to the relevant Community Board for consideration and comments, as well as other key interested parties (e.g. the Police, Northland Health Board).~~
10. Applications for the relocation of machines shall not be subjected to ~~the 30-day specified~~ processing time scales due to the need for consultation ~~outlined in 5) Criteria for Relocation~~.

## Monitoring and Review

11. The Council may amend this at any time.
12. The Council will complete a review of the policy **after every** 3 years as specified in the legislation.
13. If the Council amends or replaces this policy, it will do so in accordance with the Special Consultative Procedure as required by the Local Government Act 2002.

## Fees and Charges

14. All Fees and Charges will be those set by Council, from time to time, and in accordance with Council's current Fees and Charges Schedule.
15. The Fees and Charges shall include the following costs:
  - a. Application and processing (administration) fee
  - b. Cost of compliance inspections (monitoring)
  - c. Contribution costs toward triennial assessments of economic and social impact of gambling in the District (review)

## **~~Criteria for Relocation of Class 4 (Pokie) Machines~~**

- ~~16. The relocation of Class 4 (Pokie) gaming machines will only be considered if:~~
  - ~~a. The new venue is in the Far North District~~
  - ~~b. The business holds an existing license to have Class 4 machines~~
  - ~~c. The business needs to relocate due to:~~
    - ~~i. Fire or other damage to the present venue~~
    - ~~ii. Expiry of lease on present venue~~
    - ~~iii. Financial reasons relating to the business~~
    - ~~iv. The building of a new premises or refurbishment of an existing building as a new venue~~
    - ~~v. Merging of two Club license holders into one venue~~

- ~~17. New Class 4 gaming venues shall be in Commercial, Industrial, General Coastal Rural Living, or Rural Production zones, or within sports clubs or public houses, and shall be eligible for consent provided the venue is at least 100 metres from any kindergarten, early childhood centre, school, place of worship or other community facility, and from Residential, Coastal Residential, Coastal Living, and Recreational Activity Zones.~~
- ~~18. Any variation for less than 100 metres will be determined by Council.~~
- ~~19. Only the number of machines (or fewer) in the existing venue will be considered for relocation.~~
- ~~20. The application will be referred to the relevant Community Board for consideration and comment.~~
- ~~21. No machines may be left at the existing venue.~~

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