

Class 4 Gaming and TAB Venue Policy

Adopted: 28 April 2004
Last updated: 1 June 2023

Background

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).

Under Section 96 of the Racing Industry Act 2020, territorial authorities must adopt a policy on TAB venues. The policy must specify whether or not new 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, 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. Where two or more clubs, with existing licenses, may legally merge, at which time the maximum number of machines should not exceed 18, and the venue must be suitably located to meet the criteria of this Policy; or,
 - b. Where a 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. Council will only consider such applications for relocations due to:
 - i. a natural disaster, 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.
 - c. No machines may be left at the current venue.
 - d. 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.
 - e. 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).
 - f. A new Class 4 gaming venue must not be within 100 metres of any other Class 4 gaming venue.
 - g. A new Class 4 gaming venue must not be in a higher deprivation area than the existing venue.
 - h. 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 any Residential, Coastal Residential, Coastal Living, or Recreational Activities zones.
 - i. 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.
 - j. 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 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 TAB NZ applications for new TAB venues.

Procedures

Application requirements

1. All applications for consent for Class 4 Gaming machines or TAB Venues must be accompanied 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 Relocated Applications

2. Applications will be checked by 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. This information shall include payment of any appropriate fees.
3. All accepted applications will be checked to ensure compliance with District Plan requirements. At this point, the applicant will be notified of the need for any Resource Consents, if applicable.
4. 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).
5. Applications will be assessed for compliance with the Class 4 Gaming and TAB Venue Policy.
6. Consents will be issued following compliance with Resource Planning requirements if necessary and compliance with the Class 4 Gaming and TAB Venue Policy.

7. Applications for the relocation of machines shall not be subjected to specified processing time scales due to the need for consultation.

Monitoring and Implementation

8. The Council may amend this at any time.
9. The Council will complete a review of the policy every 3 years as specified in the legislation.
10. 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

11. 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.
12. 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).