

Kaupapa Here Wāhi Petipeti Taumata 4

Class 4 Gambling Venues Policy

Policy Type: Policy
Person Responsible: Chief Executive
Date Adopted: 16 October 2023
Status: Current

Date Last Reviewed: Sept 2019
Next Review Date: Oct 2026
Review Period: 3 years
Revision Number: 7

Purpose of the Policy

The purpose of this policy is to control the growth of gambling and contribute to the reduction of the harm caused by gambling in South Taranaki, by restricting the establishment of new Class 4 Gambling Venues, the maximum number of gaming machines that may operate at such venues, and the ability to relocate class 4 venues within the District.

Scope

This policy applies to the whole of the South Taranaki District.

Objectives

- To control the growth of Class 4 Gambling venues in South Taranaki;
- To contribute to the reduction of harm from gambling, including problem gambling in South Taranaki; and
- To ensure the South Taranaki community is involved in decisions about the number of gaming machines and the location of Class 4 Gambling Venues within South Taranaki.

Definitions

Act means the Gambling Act 2003.

Class 4 gambling, as defined in the Act, means gaming machine gambling.

Class 4 gambling venue means a place used to conduct Class 4 gambling.

Club means a voluntary association of persons combined for a purpose other than personal gain.

Corporate Society, as defined in the Act, means a society that is:

- (a) incorporated under the Incorporated Societies Act 1908; or
- (b) incorporated as a board under the Charitable Trusts Act 1957; or
- (c) a company incorporated under the Companies Act 1993 that:
 - (i) does not have the capacity or power to make a profit; and
 - (ii) is incorporated and conducted solely for authorised purposes; or
- (d) a working men’s club registered under the Friendly Societies and Credit Unions Act 1982.

Council means the South Taranaki District Council.

District means the area within the jurisdiction of the South Taranaki District Council, as established by the Local Government (Taranaki Region) Reorganisation Order 1989.

Gaming machine means a machine designed and built for gambling by the insertion of money or other payment means, commonly known as a “pokie machine”.

Society means an association of persons established and conducted entirely for purposes other than commercial purposes.

Requirements of the Act

The Council is required to provide consent for a class 4 venue to operate within its District. When considering and determining an application for territorial authority consent the Council must consider the application in accordance with its Class 4 Venues Policy and either grant the consent or not.

Policy

1.0 Establishment and location of Class 4 Gambling venues

- 1.1 Class 4 Gambling Venues may be established in South Taranaki provided that:
- a) The primary activity of any class 4 gambling venue is either for:
 - i) The sale of alcohol or, the sale of alcohol and food, where the venue is subject to an on licence; or
 - ii) Sporting activities or club activities, where the venue is subject to a club licence; and
 - b) The venue is not associated with family or children's activities; and
 - c) The venue is permitted under the South Taranaki District Council's current operative District Plan and/or holds all necessary resource consents and/or is otherwise lawfully established.
- 1.2 For avoidance of doubt, a Class 4 Gambling Venue is not permitted in South Taranaki if gambling is the primary activity carried out at the venue.

2.0 Number of gaming machines

- 2.1 The total number of gaming machines in the District shall not exceed 121.
- 2.2 The maximum number of gaming machines that will be permitted at new venues is nine, provided the maximum number permitted in South Taranaki is not exceeded.
- 2.3 The maximum number of gaming machines that will be permitted at existing venues are as follows:
- 2.3.1 For venues that held a gaming machine licence on 17 October 2001, which have not been without a licence for six months or more since that date: 18 machines or the number of machines lawfully operated on that date, whichever is the lesser.

2.3.2 For all other existing venues: nine machines or the number of gaming machines approved previously by the Minister under section 96 of the Act, may be operated.

2.4 Where two or more existing corporate societies (that are clubs) legally and physically combine their premises, the number of gaming machines they may operate must not in any case exceed nine machines.

3.0 Relocation policy

3.1 The Council may grant consent to allow a new class 4 gambling venue (the replacement venue) to replace an existing venue (within the District) to which a class 4 venue licence applies where:

- a) The existing venue has ceased to operate as a class 4 gambling venue;
- b) The replacement venue will be operated by the same corporate society which operated the existing venue;
- c) The replacement venue is in a similar geographic location as the existing venue;
- d) The replacement venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Act;
- e) The replacement venue meets the other relevant requirements of this Policy and the Act; and
- f) For the avoidance of doubt, the merging of existing venue conditions and transferred venue conditions is not permitted.

4.0 Application for territorial consent

4.1 An application for territorial consent must be made in the prescribed form and be accompanied with all information required by the Council, to enable it to properly consider the application.

4.2 The Council may set a non-refundable application fee for the cost of processing any applications for territorial consent, in accordance with section 150 of the Local Government Act 2002.

5.0 Policy Review

5.1 This policy will be reviewed every three years, as required by the Act.

Attachment 1: Policy History

Action	Description	Decision date	Decision number	Commencement
New	Adoption of new Class 4 Gambling Venues Policy	17/05/2004	58/04	18/05/2004
Amendment	Review and renewal of policy	23/07/2007	120/07	24/07/2007
Amendment	Review and renewal of policy	16/08/2010	123/10	17/08/2010
Amendment	Review and renewal of policy	09/10/2013	163/13 (extraordinary)	10/10/2013
Amendment	Review and renewal of policy	26/09/2016	113/16	27/09/2016
Amendment	Review and renewal of policy	02/09/2019	121/19	03/09/2019
Amendment	Review and renewal of policy	16/10/2023	137/23 (extraordinary)	16/10/2023