

# **Class 4 Gambling Venues Policy 2019**

South Taranaki District Council



**South Taranaki**  
Alive with opportunity

## **Executive Summary**

The South Taranaki District Council's Class 4 Gambling Venues Policy provides a policy stance on the establishment of Class 4 Gambling Venues in the South Taranaki District, where they may locate, and the number of gaming machines that may be operated at each venue.

## **Council's Role and Responsibility**

Under the Act, territorial authority consent from the Council is required when:

- a) A corporate society proposes to increase the number of gaming machines that may be operated at a class 4 venue;
- b) A corporate society applies for a class 4 venue licence and a class 4 venue licence has not been held by any corporate society for the venue within the last 6 months; and
- c) A corporate society proposes, in accordance with a relocation policy, to change the venue to which a class 4 venue licence currently applies.

Any applications for territorial authority consent from the Council must be considered and determined in accordance with this Policy.

## **Purpose of the Policy**

The purpose of this Policy is to control the growth of gambling and to 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 South Taranaki.

## **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.

## **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 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 Definitions**

**Act** means the Gambling Act 2003.

**Class 4 Gambling** is defined under section 30 of the Act as "*Gaming Machine Gambling*".

**Class 4 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** is defined under the Act as a society that is:

- incorporated under the Incorporated Societies Act 1908; or
- incorporated as Board under the Charitable Trusts Act 1957; or
- a company incorporated under the Companies Act 1993;
  - a) does not have the capacity or power to make a profit; and



- b) is incorporated and conducted solely for authorised purposes; or
- 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 South Taranaki District.

**Gaming Machine** as defined under the Act. It is commonly known as a "*Pokie Machine*".

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

## 6.0 Contacts

Regulatory Services Manager  
South Taranaki District Council 06 278 0555 or 0800 111 323

## 7.0 Review of Policy

7.1 This Policy shall be reviewed every three (3) years, as required under the Act.



## History of Policy

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

