

Class 4 Gambling Venues Policy

1. Relevant Legislation

Gambling Act 2003
Local Government Act 2002

2. Definitions

Class 4 Gambling is defined in the Gambling Act 2003.

For clarity this means:

Class 4 gambling is gambling that satisfies the following criteria:

(a) the net proceeds from the gambling are applied to, or distributed for, authorised purposes; and

(b) either—

(i) no commission is paid to or received by a person for conducting the gambling; or

(ii) the only commission that is paid to or received by a person for conducting the gambling is a commission payment to a venue operator that complies with regulations made under section 371(1)(dd); and

(c) there are game rules for the gambling; and

(d) the gambling, and the conduct of the gambling, satisfies relevant game rules; and

(e) either—

(i) the Secretary has categorised the gambling as class 4 gambling and not as another class of gambling; or

(ii) the gambling utilises or involves a gaming machine.

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, as defined in the Gambling Act 2003.

Corporate Society 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

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Council means the Western Bay of Plenty District Council.

District means the area administered by the Western Bay of Plenty District Council.

Existing Venue means a venue operating Class 4 Gaming Machines as of June 2019

Gaming Machine is defined in the Gambling Act 2003. For clarity it means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling. It is also commonly known as a 'pokie.'

Gambling Harm:

- (a) means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and
- (b) includes personal, social, or economic harm suffered—
 - (i) by the person; or
 - (ii) the person's spouse, civil union partner, de facto partner, family, whanau, or wider community; or
 - (iii) in the workplace; or
 - (iv) by society at large

3. Policy Objectives

- 3.1 To determine Council's role under the Gambling Act 2003.
- 3.2 To ensure the Council and its communities has influence over the provision of Class 4 Gambling Venues and Gaming Machines in the District.
- 3.3 To contribute to the minimisation of Gambling Harm caused by Class 4 Gambling Venues in the District.
- 3.4 To provide for a decrease in the numbers of Class 4 Gambling Venues and Gaming Machines in the District.

4. General Approach

- 4.1 The Gambling Act 2003 requires the Council to have a policy on Class 4 Gambling Venues for its District. The Council is required to review its policy every three years.
- 4.2 Section 101(3) of the Gambling Act 2003 requires that the gambling policy must specify whether or not new Class 4 Gambling Venues may be established in the District, and if so, where they may be located. The policy

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may also specify any restrictions on the maximum number of Gaming Machines that may operate at a Class 4 Gambling Venue.

- 4.3 In determining its policy on whether Class 4 Gambling Venues may be established in the District, where any Class 4 Gambling Venue may be located, and any restrictions on the maximum number of Gaming Machines that may be operated at Class 4 Gambling Venues, the Council may have regard to any relevant matters, including:
- (a) the characteristics of the District and parts of the District;
 - (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
 - (c) the number of Gaming Machines that should be permitted to operate at any Class 4 Gambling Venue;
 - (d) the cumulate effects of additional opportunities for Gambling in the District;
 - (e) how close any Class 4 Gambling Venue should be permitted to be to any other venue;
 - (f) what the Primary Activity at any Class 4 Gambling Venue should be.
- 4.4 A Council consent for a Class 4 Gambling Venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4 Gambling Venue licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented Class 4 Gambling venues and cannot impose conditions subsequently on any venue which has an existing licence.
- 4.5 Where Council has concerns about the operation of existing Class 4 Gambling Venues these will be reported to the Department of Internal Affairs. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.

5. Policy Criteria and Conditions

5.1 Who the Policy applies to

This policy applies to Class 4 Gambling Venues.

5.2 Gambling venues

No new Class 4 Gambling Venues are permitted in the District from the adoption of this Policy.

5.3 Relocation of existing Class 4 gambling venues

Council will not grant consent for the relocation of any Class 4 Gambling Venue within the District.

5.4 Primary Activity

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The Primary Activity shall not be Gambling or an activity associated with family or children's activities.

Class 4 Gambling Venues are not required to hold a liquor on-licence or club licence however they are expected to ensure that the possibility of people under the age of 18 years gaining access to the venue is minimal.

5.5 Gaming Machine Numbers

Consent will not be granted for any additional Gaming Machines to be operated in Class 4 Gambling Venues in the District.

5.6 Merger of clubs with Class 4 Gambling Venue licenses

Where Clubs holding a Class 4 Gambling Venue licence elect to merge, they will no longer be allowed to operate gaming machines.

6. Review

In addition to the statutory requirements to review the Policy every three years, Council may elect to review this Policy at any time in order to respond to monitoring information and/or community feedback on the operation and level of activity of Class 4 Gambling Venues in the District.

Group	Policy, Planning and Regulatory Services	Contact (3rd Tier Manager)	Policy and Planning Manager
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Authorised by	Policy Committee	Date	27/06/2019