

Policy:	Class 4 Gambling Venues Policy
Department:	Environmental Services
Approved by:	Policy and Services Committee
Effective date:	9 August 2023
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1. Objectives

- 1.1 To minimise the harm caused by gambling in the Stratford District and to control the location of Class 4 gambling venues and the number of gaming machines.
- 1.2 A sinking lid policy will apply in the Stratford District until the total number of gaming machines that may be operated in Class 4 Gambling Venues is reduced to 27. Once there are no more than 27 gaming machines operating in the District, the maximum number that may be operated will be capped at 27.

2. Purpose and Scope

- 2.1 The purpose of this policy is to meet the requirements of the Gambling Act 2003, which states that every Council must adopt a policy on Class 4 gambling venues.
- 2.2 The policy must specify whether or not class 4 venues may be established in the district and, if so, where they may be located; and may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue.
- 2.3 This policy covers the Stratford District and applies to:
All venues with an existing Class 4 Gambling Venue licence.

3. Interpretation

Act means the Gambling Act 2003.

Class 4 Gambling has the same meaning as given in section 30 of the Act, and is commonly known as 'gaming machine gambling'.

Class 4 Gambling Venue means a place used to operate Class 4 Gambling.

Council means the Stratford District Council.

District means the Stratford District.

Gaming Machine has the same meaning as defined in section 4 of the Act and is also commonly known as a 'pokie machine'.

Sinking lid means that once a class 4 gambling venue closes, the council will not issue any other society a licence to replace that venue.

Sleeping Machine is a gaming machine that is consented or licenced for, but not currently in operation.

4. Primary Activity and Location of Class 4 Gambling Venues

4.1 Class 4 Gambling Venues may be established in the Stratford District provided that:

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; and
- (ii) The venue is a permitted activity under the Stratford District Plan and/or holds all necessary resource consents and/or is otherwise lawfully established.

4.2 For the avoidance or doubt, a Class 4 Gambling Venue is not permitted in the Stratford District if gambling is the primary activity carried out at the venue.

5. Numbers of Gaming Machines

5.1 No new or additional Class 4 gaming machine venues are to be established in the Stratford District from the date of adoption of this policy, except where the new venue is permitted by clause 6 of the Relocation Policy.

5.2 All gaming machines as at the date of adoption of this policy may continue until such time as the venue does not hold a licence for gaming machines;

5.3 Existing Class 4 venues may not increase the number of gaming machines that exist at the date of this policy. The Council will not grant consent for any venue or club to operate additional gaming machines.

6. Relocation Policy

6.1 The existing Class 4 gambling venue that is forced to vacate its existing venue through no fault of its own as outlined below, will be granted permission to relocate to another venue subject to it meeting the conditions set out in clause 6.2:

- (a) The existing venue is unfit to continue operation due to a natural disaster or fire;
- (b) The existing venue is required to move due to public works acquisition under the Public Works Act 1981; or
- (c) The existing venue is a registered earthquake prone building or a venue with <34% NBS and the premises is relocating into a venue of more than 34% NBS

6.2 An existing Class 4 venue that seeks to relocate for other reasons may be granted a consent to continue its gaming activity in another venue or rebuilt premises for the same number of machines that they are licensed to operate, subject to the proposal meeting the conditions set out in points 1 to 5 below and subject to the approval of the Chief Executive.

1. The current Class 4 venue operator is intending to and will be conducting Class 4 gambling at the new location,
2. The vacated site will not be able to be used by the same or any other Class 4 operator to operate Class 4 Gambling,
3. The Class 4 operator and venue operator are the same as those cited in the venue agreement for the existing venue and the proposed new venue,
4. The new venue must be located in the same or lower deprivation area than the existing venue.
5. The replacement venue meets the other relevant requirements of this policy and the Act.

7. Application for Territorial Consent

- 7.1 An application for territorial consent shall be made for the circumstances stated in section 98 of the Gambling Act.
- 7.2 An application for territorial consent must be made on the prescribed form and will be assessed against the criteria outlined in this policy and the requirements of the Act. Applications must provide:
Name and contact details of the applicant;
Street address of proposed premises;
Proposed number of gaming machines;
Details of current alcohol licence; and
Certificate of Compliance with the Stratford District Plan.
- 7.3 The Council shall 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.

8. Commencement

- 8.1 This policy shall take effect from 9 August 2023.

9. Review

- 9.1 This policy shall be reviewed every three years, as required by section 102(5) of the Act.