

STRATFORD DISTRICT COUNCIL

POLICY: CLASS 4 GAMBLING VENUES POLICY

DEPARTMENT: Environmental Services	RESPONSIBILITY:
D18/17080	<ul style="list-style-type: none">• Director Environmental Services
REVIEW DATE: 2016/17	NEXT REVIEW: 2021
VERSION: 5	FIRST APPROVAL DATE: March 2004

1. OBJECTIVES

- 1.1 To control the growth of Class 4 Gambling venues in the Stratford District.
- 1.2 To contribute to the reduction of harm from gambling, including problem gambling in the Stratford District.

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 for which no Class 4 Gambling Venue licence has been held within the last six months; and
 - All venues with an existing Class 4 Gambling Venue licence.
- 2.4 The policy intent is not to eliminate Class 4 gambling venues from the district, but to not impede the downward trend of gaming machine numbers in the district.

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.

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

Corporate Society has the same meaning as given in section 4 of the Act, which is a society that is:

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

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'.

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

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

4. **PRIMARY ACTIVITY AND LOCATION OF CLASS 4 GAMBLING VENUES**

4.1 Class 4 Gambling Venues may be established in the District 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 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 District if gambling is the primary activity carried out at the venue.

5. **NUMBERS OF GAMING MACHINES**

5.1 The total number of gaming machines that may be operated in Class 4 Gambling Venues in the District shall not exceed 36 (the "District Cap"). For the avoidance of doubt, the District Cap is calculated by adding all operative and sleeping gaming machines in the District.

5.2 The maximum number of gaming machines that shall be permitted at new venues is nine, provided that the District Cap is not exceeded.

5.3 The maximum number of gaming machines that shall be permitted at existing venues are as follows:

5.3.1 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 gaming machines or the number of gaming machines lawfully operated on that date, whichever is the lesser.

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

5.4 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: 18 gaming machines or the sum of the number of gaming machines specified in all of the corporate societies' class 4 venue licences at the time of the application, whichever is the lesser.

6. RELOCATION POLICY

6.1 The Council may grant territorial 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 and the Class 4 Gambling Licence held for the existing venue has been / will be surrendered;
- (b) The replacement venue will be operated by the same corporate society which operated the existing venue;
- (c) The replacement venue holds a current Class 4 Gambling venue licence and will operate the same number of machines (or less) as the existing venue, subject to any restrictions applicable under the Act; and
- (d) 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 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 1 July 2018.

9. **REVIEW**

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