

## CLASS 4 VENUE POLICY

### 1. INTRODUCTION

The Gambling Act 2003 was enacted on 18 September 2003. The Act requires Hastings District Council to adopt a Class 4 Venue policy for the Hastings District in accordance with the special consultative procedure set out in the Local Government Act 2002.

The Class 4 Venue policy:

- Must consider the social impacts of gambling within its district and specify whether or not class 4 venues may be established in the district, and if so, where they may be located.
- May specify any restrictions on the maximum number of gaming machines that may be operated at any gambling venue. The Gambling Act establishes a maximum limit of nine machines for new venues.
- May include a relocation policy

The Class 4 Venue policy will be reviewed every three years. As part of the review in 2020, it has been determined that no new gaming machines or venues will be permitted in the Hastings District.

### 2. ANTICIPATED OUTCOMES

The adoption of Class 4 Venue policy will achieve the following outcomes:

- ***Harmful impacts of high risk forms of gambling on the Hastings District community will be avoided or minimised.***
- ***Class 4 venue operators will be responsible gambling hosts.***
- The number of gaming machines and venues in the Hastings District will reduce over time.
- Class 4 venues can only relocate in limited circumstances and to a limited number of defined zones.

### **3. OBJECTIVES OF THE POLICY**

- To support the purpose and intent of the Gambling Act 2003.
- To reduce the total number of gaming machines and gaming venues over time.
- To avoid the establishment of class 4 gambling activities in locations close to residential areas, public facilities or other identified land uses sensitive to gambling activities.
- To avoid the proliferation of class 4 venue strips or blocks within the District.
- To encourage responsible gambling practices and attitudes in class 4 venues.
- To minimise the potential for new entrant problem gamblers by reducing accessibility to gambling venues.
- To reduce the exposure and risk of under-18 year old persons to gambling opportunities and the promotion of gambling.
- To ensure as far as practicable that the actual and reasonable costs relating to venue consent applications are borne by the applicant(s).

### **4. ESTABLISHMENT OF CLASS 4 MACHINES & VENUES**

Hastings District Council has a 'sinking lid' approach to class 4 gambling. Therefore the Council will not grant consent for any new venues or machines within the District.

### **5. EXCEPTIONS FOR CLUB MERGERS AND RELOCATIONS**

#### **5.1 Venue Relocation**

Council may grant consent under s 98(c) of the Gambling Act to a proposal to change the venue to which a class 4 venue licence currently applies, provided that:

- (i) The relocation is to an upgraded venue, or where the existing venue has or is likely to become damaged or otherwise uninhabitable due to fire and/or natural disaster; and
- (ii) The new venue is to be operated by the same operator licence holder; and
- (iii) The new venue is within the Hastings Central Commercial or the Havelock North Village Centre zones, except that the existing venues at Stortford Lodge and Clive may relocate within the Stortford Lodge and Clive zones as defined in the attached maps or within the Hastings Central Commercial or Havelock North Village Centre zones.

#### **5.2 Club Mergers**

Council will consider an exception to Clause 4 above for the relocation or merger of clubs, as defined by the Act, with existing class 4 machines, as outlined below:

- (i) When two or more clubs wish to merge physically and legally in terms of section 95 of the Gambling Act 2003, the maximum number of machines allowed will be the sum of the number of gaming machines specified in all the clubs Class 4 venue licences at the time of application with a maximum limit of 30 as provided in Section 95(4) of the Gambling Act 2003.

- (ii) When an existing club wishes to relocate to a new venue and section 96 of the Gambling Act applies, the maximum number of gaming machines allowed will be the number of machines specified in the class 4 venue licence held for the existing venue, with a maximum limit of 18 as provided in Section 96(4) of the Gambling Act 2003.

For the avoidance of doubt, relocations or club mergers that do not meet one or more of the listed criteria cannot be granted consent under this Policy.

## **6. SOCIAL IMPACT CONSIDERATIONS WHEN CONSIDERING CLUB MERGERS AND RELOCATIONS**

In addition to those conditions outlined in the Gambling Act 2003, Council shall have regard to the following:

- (i) The applicant shall provide a declaration that the gaming area in a venue will not have a separate entrance, separate name, or otherwise seem to be separate from the primary activity of the venue.
- (ii) The primary activity of the venue shall not be an activity associated with family or children's activities.
- (iii) The venue must have an 'on licence' or 'club licence' for the sale of alcohol for consumption on the premises.
- (iv) The principal venue entrance shall not be located closer than a 100 metre radius of any educational facility, place of assembly, or licensed early childhood centre.
- (v) The principal entrance of the venue premises shall not be located closer than a 100 metre radius to any residentially zoned or suburban commercial zoned land.
- (vi) The venue premises shall not be within a 100 metre radius of the principal entrance of any other class 4 venue or TAB venue.
- (vii) Meeting all application, declaration, and fee requirements.

## **7. APPLICATIONS**

Applications for territorial authority consent may be lodged at any time. Applications received by Hastings District Council under Clause 5.1 or 5.2 of the Policy will be assessed subject to the objectives of the Hastings District Council Class 4 Venue Policy, the purpose and intent of the Gambling Act 2003 and any other matter that Council considers relevant and reasonably necessary to determine the application.

Applications for consent must be made on the approved form and must provide to the satisfaction of Council:

- (i) name and contact details for the application, including the club name, the venue trading name(s), and other name(s) related to the venue, and the venue operators name
- (ii) street address of premises proposed for the Class 4 venue
- (iii) a specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located
- (iv) the names of key persons at the club and venue
- (v) an audit assessment, from an independent Chartered Accountant holding a Certificate of Public Practice, of the business plan or budget for the establishment, covering at least 12 months, and clearly distinguishing the percentage of revenue to be derived from both gambling and other activities proposed for the venue, showing that the venue is clearly not to be used primarily for operating gaming machines
- (vi) a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and clearly showing where the machines are to be located and the size of the area the machines will be within
- (vii) details of alcohol licence(s) applying to the premises including licence number
- (viii) Other relevant information requested by the territorial authority, or that the applicant wishes to provide.

## **8. DETERMINING APPLICATIONS**

### **Notification**

Applications under Clause 5 of the Policy and/or applications which do not meet one or more of the conditions under clause 6 of this policy will require a hearing and shall be publically notified.

Any application requiring a hearing shall be publicly notified as follows:

- in the public notice section of a local newspaper circulating within the city, within 15 working days of receipt of the application
- by way of a public notice displayed prominently in the window of the proposed venue for the period during which submissions are open
- by the direct notification in writing of all owners and residents of any property where any part of that property is located within 100m of the subject site
- By the direct notification in writing of any other person that Council may consider will be adversely affected by the granting of consent

### **Hearings Considerations**

The Hearings Committee will consider each application on its merits, judged against the following criteria:

- i) The extent to which the application meets the objectives of the Hastings District Council Class 4 Gambling Venue Policy, and the Purpose and intent of the Gambling Act 2003, and ii) the extent to which an application that does not meet a condition of clause 6, (Social impact considerations) is of a minor effect, and
- ii) The extent of the potential impact on the character of the zoned area/ locality, and
- iii) The potential cumulative effects of additional gambling in that locality, and
- iv) Whether the venue has reasonable potential to have a negative effect on the operation, amenity, or reasonable enjoyment of residential and/or sensitive land uses in the locality, and
- v) That when relocating, the venue relinquishes the gaming machines tied to the current location, and
- vi) Any other matter that Council considers relevant and reasonably necessary to determine the application.

### **9. APPLICATION FEES**

- (i) To be considered, a deposit in accordance with the Council's schedule of fees and charges must accompany the application.
- (ii) Actual and reasonable costs of processing the application, including but not limited to any notification, consultation, hearing, administration costs, and/or inspection, may be charged to the applicant in accordance with section 150 of the Local Government Act 2002.
- (iii) The deposit will be utilised to pay for costs and fees associated with the application, and any further costs or disbursements will be charged to the applicant in the event the deposit is exhausted. Any unused portion of the deposit will be refunded.
- (iv) All fees and costs must be paid in full prior to a consent being issued.

#### **Hastings District Council Class 4 Venue Policy**

<b>Prepared by:</b>	Environmental Policy Planning and Regulatory Services
<b>Adopted by:</b>	Hastings District Council
<b>Dated:</b>	8 December 2020
<b>Date by which review must be started:</b>	8 December 2023

## DEFINITIONS

**Class 4 venue:** Refer to definition of Class 4 Venue in the Gambling Act 2003.

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

**Gaming machine:** refer to definition of 'Gaming Machine' in Gambling Act 2003

**Educational Facility:** means land and/or buildings used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes schools, technical institutes, teachers colleges and universities, kura kaupapa (primary school), and kura maori (secondary school) and their ancillary administrative, cultural, health, retail and communal facilities.

**Family:** any group that can be identified as a family and that includes persons below the age of 18 years

**Family activities:** Activities which have a target market which includes family(s). This includes but is not limited to restaurants where the primary activity is dining, retail shops, and areas where there are games or entertainments whose target market may include under 18 year old persons

**Key persons:** as defined in the Gambling Act 2003

**Places of Assembly:** means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character. May include a church, church hall, church yard, and marae. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit making basis.

**Premises:** Building in which a venue is located.

**Primary Activity:** The activity(s) primarily associated with and promoted by the venue.

**Licensed early childhood centre:** As defined in section 10 309 of the Education and Training Act 2020

**Society:** A corporate society as defined in the Gambling Act 2003 (including reference to section 33), which has an operator's licence for class 4 gaming machines.

**Zone:** An area of the city, defined as a zone in the Hastings District Plan or any subsequent changes.