

POLICY	STATUS	AT	DATE	DOC ID
<i>Class 4 Gambling Venue Policy</i>	<i>Adopted</i>	<i>Ordinary Council Meeting</i>	<i>05.10.2021</i>	<i>A150691</i>



OPOTIKI DISTRICT COUNCIL

**CLASS 4
GAMBLING VENUE
POLICY
2021**

BACKGROUND

Under the Gambling Act 2003, applicants for Class 4 gaming venue licenses must have the consent of the territorial authority in which the venue is, or will be, situated. In order to consider and determine applications for consent, territorial authorities are required by section 101 of the Act to have a policy specifying whether or not Class 4 venues may be established in their district, where Class 4 licensed venues may be located in the district and may also place additional limits on the number of gaming machines per venue.

PURPOSE

To ensure the Ōpōtiki District Council and the community has influence over Class 4 gambling and the number of pokie machines in the Ōpōtiki District while;

- reducing the exposure and risk of exposure of persons under the age of 18 to gambling opportunities and the promotion of gambling; and
- facilitating community access to information about the funds produced and distributed from Class 4 gambling within the Ōpōtiki District; and
- to limit the growth of gambling in Ōpōtiki District
- to prevent and minimise harm caused by gambling, including problem gambling.

Without limiting the provisions of the Gambling Act 2003, any application received by Ōpōtiki District Council shall be assessed against this policy.

DEFINITIONS

Class 4 gambling venue: A place located on one or more contiguous allotments at which gambling machines (also known as 'pokies') are located, or for the purposes of the application at which it is proposed that gambling machines be located.

Gambling machine: has the same meaning as 'Gaming Machine' in the Gambling Act 2003.

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

Family Activities: Activities which have a target market that 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 entertainment whose target market may include persons under the age of 18.

Place: Includes –

- a. a building or structure whether fully or partially constructed; and
- b. a room in a building or structure; and
- c. a court; and
- d. land.

Pokie: An electronic gambling machine.

Premises: Building in which a venue is located.

Primary part of a venue's operation: Area greater than 15% of floor space for a gambling machine area, including area around the machines.

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

Private Club: has the same meaning as "Club" and in this context meeting the criteria of operating as a club as defined in section 65(3) of the Gambling Act 2003.

Society: A corporate society as defined in the Gambling Act 2003 (including reference to section 33) which has an operator's license for class 4 gambling machines/pokies.

Zone: An area of the district, defined as a zone in the Operative Ōpōtiki District Plan 2021 or any subsequent amendments.

POLICY

Where Class 4 venues may be established

New Class 4 venues may not be established within the Ōpōtiki District

Existing Class 4 gambling venues

Predominant activity of existing class 4 gambling venues

The predominant activity of any existing Class 4 gambling venue shall be for the sale of liquor and food where the venue is subject to a liquor on-license (not being a bring your own license) or be race and sports betting conducted by a TAB.

Gambling may not be the predominant purpose of any Class 4 gambling venue.

The number of pokie machines to be allowed in Ōpōtiki District

Venues with existing licensed pokie machines may be upgraded but permission for additional new pokie machines shall not be given.

Merging of Clubs

New TAB board venues may be combined with existing Class 4 gambling

When two clubs wish to merge physically and legally, they will no longer be allowed to operate gaming machines.

No advertising using the word Casino

Class 4 gambling venues may not advertise themselves using the word casino.

Incompatibility of Class 4 gambling venues

Class 4 gambling venues must not be located in premises that are incompatible with other permitted uses in the approved zones.

Class 4 gambling venues must not allow any gambling activity to be visible to passing pedestrian traffic

Venue must not be associated with family or children's activities

Exceptional Circumstances

There may be circumstances such as but not limited to fire or flooding of an existing Class 4 venue where Council may use its discretion to allow gaming machines to be replaced or relocated.

RELEVANT LEGISLATION

Provisions of the Gambling Act 2003

REVIEW

The Gambling Act 2003 requires this policy to be reviewed every three years. It is also noted that the Act also states a policy does not cease to have effect because it is due for review or being reviewed.