



WANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

Wanganui District Council Class 4 Gambling Venue Policy 2014

1. Introduction

- 1.1. The Gambling Act 2003¹ (“the Act”) requires the Council to have a Class 4 Venue Policy (“this policy”).
- 1.2. The Act defines Class 4 gambling² as:
 - a) gambling that is not gambling of another class and that satisfies the following criteria:
 - b) the net proceeds from the gambling are applied to or distributed for authorised purposes:
 - c) no commission is paid to, or received by, a person for conducting the gambling;
 - d) the gambling satisfies relevant game rules; and
 - e) gambling that utilises or involves a gaming machine; or
 - f) gambling categorised by the Secretary as class 4 gambling.
- 1.3. Under the Act the Department of Internal Affairs is responsible for Class 4 venue licensing. However, section 65(2) (b) of the Act requires an application for a Class 4 venue licence to be accompanied by territorial authority consent. The Act also prescribes limits on the number of non-casino gaming machines in venues.
- 1.4. Council has developed the Class 4 Gambling Venue Policy having regard to the social impact of gambling within its District as required by the Act.
- 1.5. This Policy follows a review of Wanganui District Council’s 2008 Gambling Venue Policy using the special consultative procedure as required by the Local Government Act 2002.
- 1.6. This policy applies to:
 - All venues/societies who operate Class 4 gambling machines;
 - All venues established after 17 October 2001.

2. Definitions

- *Untenantable* – **means** that the premises have been rendered unfit for occupation for any worthwhile purpose and that such a state is not temporary but a state having a degree of permanence.

Note: The following factors will be considered to determine whether a premise is *untenantable*:

- The duration of the lease;
 - The extent of the damage;
 - The estimated time for repairs before occupancy can be resumed;
 - Any other relevant facts.
- *Authorised Officer of Council* – **means** a Council Officer having delegated authority
 - *Club* has the same meaning as it has in the Act i.e. “a voluntary association of persons combined for a purpose other than personal gain”.

3. Purpose

The purpose of this policy is:

- 3.1. To control the growth of Class 4 gambling venues;
- 3.2. To prevent and minimise the harm caused by Class 4 gambling;

¹ Section 101 of the Gambling Act 2003

² Section 30 of the Gambling Act 2003

3.3. To ensure community involvement in some decisions about the provision of Class 4 gambling venues;

4. New Gambling Venues and Class 4 Machines

4.1. Council will not grant consent for the establishment of any new Class 4 gambling venues or machines.

5. General Conditions Required for Class 4 Gambling Venues.

5.1. Class 4 gambling venues must also be licensed to sell and supply liquor for consumption on the premises.

5.2. The primary activity of the Class 4 Gambling Venue shall not be that which is predominantly associated with families and/or children's activities;

6. Venues Relocation Policy

6.1. Applications to relocate an existing Class 4 Gambling Venue will be considered a new application for consent. The application will follow the process detailed in Appendix II.

6.2. A Class 4 Gambling Venue licence holder in Wanganui may apply for consent to relocate the gaming machines from that venue to a new venue in Wanganui provided that –

- The licence holder can satisfy the Authorised Officer of Council that they are required to relocate to the new venue due to the existing venue becoming untenable; and
- The venue is a permitted activity under the Wanganui District Plan or where a resource consent to undertake the activity has been granted by Council;

6.3. A consent issued under this section shall only permit the consent holder to operate up to the same number of machines at the new venue that were operating at the previous venue;

6.4. The applicant has the right to appeal this decision. The appeal process is detailed in Appendix II.

7. Merging of Clubs

7.1. Applications to continue operating Class 4 Gambling Venue machines where two or more existing clubs combine, will be considered a new application for consent.

7.2. The Council will issue a consent where two or more existing clubs combine provided –

- the total number of machines in the new venue does not exceed two-thirds of the combined original total;
- and the venue is a permitted activity under the Wanganui District Plan or where resource consent to undertake the activity has been granted.

7.3. An application for consent under s.7.1 must include the following information additional to that required under s.8:

7.3.1. The street address of where the merged venue intends to operate.

7.3.2. Copies of the Class 4 gambling venue licences held by all the proposed merging clubs, confirming the current number of machines licenses to be operated in the merging clubs venues.

8. Applications for Consent

Applications for consent under this policy must be made on the approved form and must provide:

- i. Name and contact details of the applicant, trust and trustees.
- ii. Street address of premises proposed.
- iii. The names of management staff.
- iv. Evidence of primary purpose of the venue.
- v. A site plan covering both and other activities

- vi. Details of liquor licence/s applying to the premises.
- vii. Evidence that the activity is a permitted activity in accordance with the Wanganui District Plan or a copy of the Resource Consent to undertake the activity proposed.
- viii. Evidence that the primary activity of the venue **is not** that which is **predominantly** associated with families/and/or children's activities.
- ix. A social impact report.

9. Application Fee

The Application Fee will be set annually by the Council pursuant to section 150 of the Local Government Act 2002, and shall include:

- 9.1. The cost of processing the application;
- 9.2. The cost of consultation if required;
- 9.3. The cost of a Hearing if required;
- 9.4. The cost of monitoring consent conditions or policy rules.

10. Review of the Policy

This Policy will be reviewed every three years as required by the Act, or at the request of Council, or in response to legislative changes, or in response to any issues that may arise.

This Policy will take effect from 12 August 2014.

Originator	Marie Gorinski, Policy Analyst
Contact person for enquiries	Stephanie Rose, Policy & Corporate Planning Manager
Approved by Council	12 August 2014
Date by which a review shall be carried out	12 March 2017

Diagram 1
Process for an Application for Venue Relocation

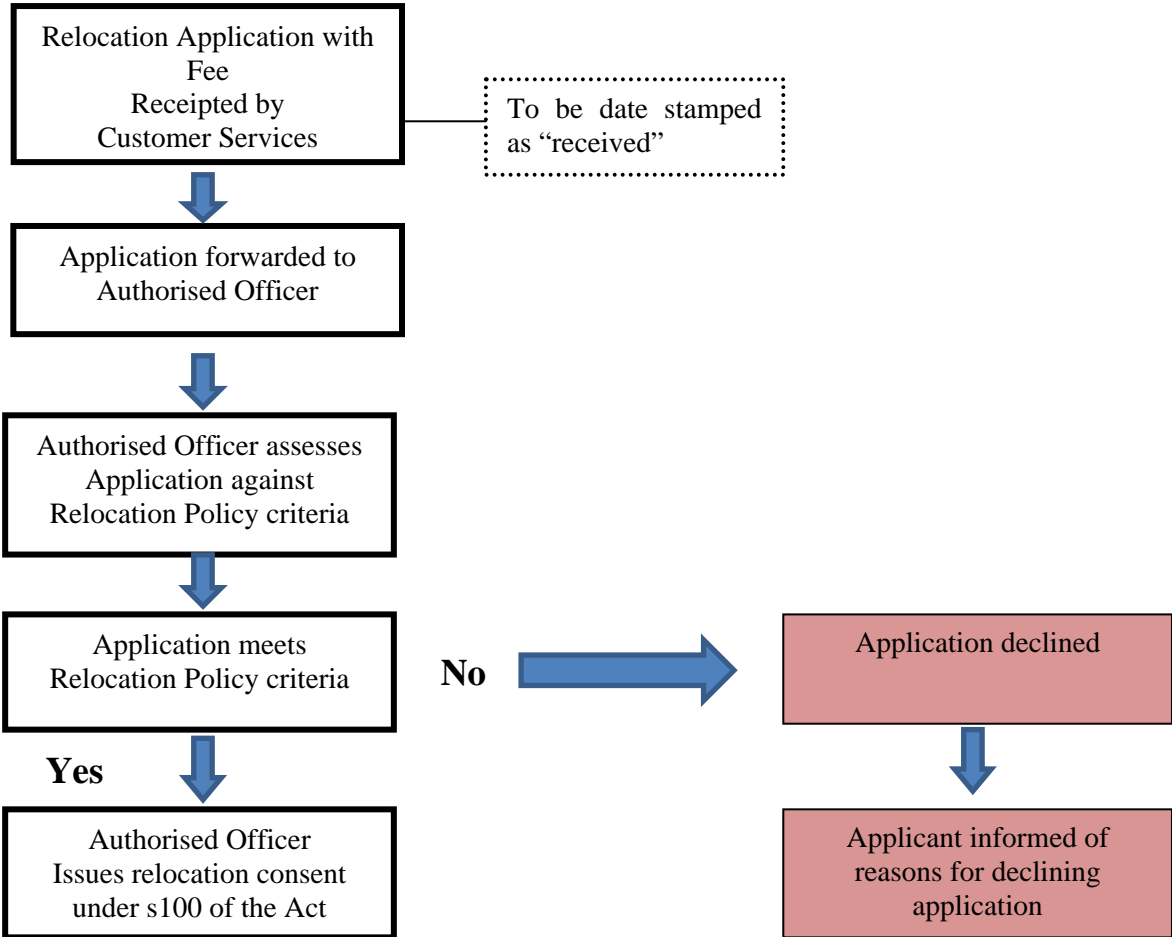


Diagram 2
Appeal Process

