

# HUTT CITY COUNCIL CLASS 4 GAMING VENUE AND BOARD VENUE POLICY 2015

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# 1. SECTION A: CLASS 4 GAMING VENUE POLICY

## 1.1 POLICY

This policy is a policy adopted in accordance with section 101 of the Gaming Act 2003 as a Class 4 venue policy.

## 1.2 OBJECTIVES OF THE POLICY

- To control the growth of Class 4 gaming machine numbers within Hutt City;
- To put in place measures to reduce the harm caused by problem gambling;
- To encourage responsible gambling practices and attitudes in Class 4 gaming venues; and
- To facilitate community access to information about the funds produced and distributed from Class 4 gaming within the city.

## 1.3 WHERE CLASS 4 GAMING VENUES MAY BE ESTABLISHED

Class 4 gaming venues may be established within the central commercial and Petone commercial activity areas; and special commercial zones; and general recreation activity areas and special recreation activity areas subject to:

- (i) meeting application and fee requirements;
- (ii) the number of venues being able to be met within the overall city cap (maximum) on venue licenses determined by Council;
- (iii) not being a venue at which the primary activity is a family or children's activity;
- (iv) not being adjacent or adjoining to any residential zone, school, early childhood centre, kindergarten, place of worship or other community facility;
- (v) not being adjacent to another Class 4 venue i.e. two Class 4 venues may not be adjacent or adjoining.

Where a Class 4 gaming venue is established in a general recreation area or a special recreation activity area, the venue must be a recognised sports or other recreation non-profit club.

Class 4 gaming venues may not be established in any residential zone or recreation zone (other than as specified in part 1.3 above).

Note: "Central commercial and Petone commercial activity areas", "suburban commercial and special commercial zones", "general recreation activity areas and special recreation activity areas" and "residential zone or recreation zone" have the meanings and will be applied in accordance with the meanings of those terms in the Hutt City Council District Plan as operative at the time an application is considered.

## 1.4 NUMBERS OF GAMING MACHINES TO BE ALLOWED

The number of Class 4 gaming machines operated within the city shall be capped at 545 (the number operating on 31 March 2010). New Class 4 venues shall be allowed a maximum of no more than 9 gaming machines. Existing venues, with licenses issued after 17 October 2001, and operating fewer than 9 gaming machines, shall be allowed to increase the number of machines operated at the venue to 9. New Class 4 venue licenses will only be granted to

venues in Petone Commercial and the Central Commercial areas. A maximum limit of 19 venues and 309 machines is introduced in Petone and the Central Commercial Areas.

#### **1.5 RELOCATION OF EXISTING VENUES AND MACHINES**

Venues with more than nine machines may relocate from suburban areas without reducing the numbers of machines they operate.

#### **1.6 OVERALL CAP ON NUMBER OF BOARD VENUE OR CLASS 4 VENUES IN THE CITY**

The number of venues operated within the city shall not exceed the number operating on 31 March 2010, of which Class 4 venues numbered 39 (thirty-nine) venues.

#### **1.7 PRIMARY ACTIVITY OF CLASS 4 GAMING VENUES**

The primary activity of any Class 4 gaming venue shall be:

- a) for sporting activities, or
- b) for the sale of liquor or for liquor and food, or
- c) the activities as a venue owned or leased by the New Zealand Racing Board, and used mainly for racing betting, or sports betting, or as a racecourse

#### **Relevant considerations in assessment for Class 4 gaming venues**

It shall be a relevant consideration that a Class 4 gaming venue has already obtained:

- a) an 'On' liquor licence, or
- b) a 'Club' liquor licence.

#### **1.8 INCOMPATIBILITY OF CLASS 4 GAMING VENUE PREMISES**

Class 4 gaming venues must not be located in premises that are incompatible with other predominant uses in a commercial or retail district.

#### **1.9 MERGING VENUES**

Hutt City Council will grant a consent where two or more corporate societies are merging and require Ministerial approval to operate up to the statutory limit in accordance with section 95 (4) of the Gambling Act 2003. The total number of machines that may operate at the venue must not exceed 30 machines.

The merged venue is entitled to operate the lesser of the number operated by the merging societies at time of application or 30 machines.

#### **1.10 APPLICATIONS**

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

- name and contact details for the application;
- street address of premises proposed for the Class 4 licence;
- the names of management staff;
- a 12 month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
- a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;

- if not in the central commercial zone, evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 gaming venues;
- details of liquor licence(s) applying to the premises.

### **1.11 APPLICATION FEES**

These will be set by the Council from time to time, and shall include consideration of:

- (i) the cost of processing the application, including any consultation and hearings involved;
- (ii) the cost of triennially reviewing the Class 4 gaming venue policy;
- (iii) the cost of inspecting Class 4 gaming venues on a regular basis to ensure compliance with consent or license conditions;
- (iv) a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the city.

## **2. SECTION B: TAB BOARD VENUE POLICY**

### **2.1 POLICY**

- This policy is a policy adopted in accordance with section 65D of the Racing Act as a board venue policy.
- The policy covers stand alone TAB board venues, which are owned or leased by the New Zealand Racing Board. Council consent is not required under the legislation to a TAB facility in a bar, hotel or club. If a TAB board venue wishes to host gaming machines, a separate application must be made under the Council's Class 4 Gaming Policy (section A above) and the TAB board venue must also meet the additional criteria set out in that policy.

### **2.2 OBJECTIVES OF THE POLICY**

- To enable people who wish to participate in race and sports betting to do so in accordance with the Racing Act 2003;
- To minimise the negative effects caused by problem gambling;
- To ensure TAB board venues have policies and practices in place to identify and address problem gamblers;
- To ensure as far as practicable that the actual and reasonable costs relating to a TAB board venue consent are borne by the applicant(s).

### **2.3 WHERE TAB VENUE MAY BE ESTABLISHED**

TAB Board Venues may be established within the central commercial and Petone commercial activity areas; suburban commercial and special commercial zones; and general recreation activity areas and special recreation activity areas subject to:

- (i) meeting application and fee requirements;
- (ii) not being a venue at which the primary activity is a family or children's activity;
- (iii) not being adjacent or adjoining to any residential zone, school, early childhood centre, kindergarten, place of worship or other community facility; and

- (iv) not being adjacent to another board venue i.e. two board venues may not be adjacent or adjoining

Where a TAB Board Venue is adjacent to or adjoining a Class 4 venue, the TAB board venue is prohibited from operating Class 4 gaming machines.

Note: “Central commercial and Petone commercial activity areas”, “suburban commercial and special commercial zones”, “general recreation activity areas and special recreation activity areas” and “residential zone or recreation zone” have the meanings and will be applied in accordance with the meanings of those terms in the Hutt City Council District Plan as operative at the time an application is considered.

## **2.4 INCOMPATIBILITY OF TAB BOARD VENUE PREMISES**

TAB board venues must not be located in premises that are incompatible with other predominant uses in a commercial or retail district.

## **2.5 APPLICATIONS**

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

- name and contact details for the application;
- street address of premises proposed for the TAB board venue Licence;
- the names of management staff; and
- if not in the central commercial zone, evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 gaming venues.

## **2.6 APPLICATION FEES**

These will be set by the Council from time to time, and shall include consideration of:

- (i) the cost of processing the application, including any consultation and hearings involved;
- (ii) the cost of triennially reviewing the TAB board venue policy;
- (iii) the cost of inspecting TAB board venues on a regular basis to ensure compliance with consent or license conditions; and
- (iv) a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the city.