



Gambling Venues Policy Te Kaupapa Here Whare Petipeti (CLASS 4 VENUE AND TAB VENUE)

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whakatane.govt.nz

1.0 Introduction – Kupu arataki

The Gambling Act 2003 requires the Whakatāne District Council (the Council) to have in place a policy that:

- Specifies whether or not Class 4 venues¹ may be established in the territorial authority district and, if so, where they may be located;
- May specify any restrictions on the maximum number of gaming machines² that may be operated at a Class 4 venue; and
- May include a relocation policy.

The Racing Industry Act 2020 requires territorial authorities to adopt a policy on TAB venues³. The TAB venues policy must:

- Specify whether or not TAB venues may be established in the district and, if so, where they may be located.

Both policies must be reviewed every three years in accordance with the special consultative procedure prescribed in the Local Government Act 2002. In adopting both a Class 4 venues policy and a TAB venues policy, the Council must have regard to the social impact of gambling within the Whakatāne District (the District). A social impact assessment was undertaken in 2021, and informed the development of this policy.

This Whakatāne District Council Policy covers both Class 4 venues and TAB venues and can be referred to as the Gambling Venues Policy.

Role of Council – Te mahi a te Kaunihera

One of Council's key roles is to ensure community input into decisions about the provision of gambling in their area. This is done through developing this policy, and then applying the policy when assessing applications for consent for new licences, new machines, and the merger of clubs. While Councils can issue consents for these applications, it is the Department of Internal Affairs (DIA) which is responsible for issuing venue and operator licences, and the monitoring and enforcement of those licences.

¹ A venue that is licensed to operate Class 4 gaming machines. The Act categorises gambling activities according to their intensity and potential for harm. Class 4 gambling (gambling using non-casino gaming machines) is the highest-risk form of gambling outside of a casino. Racing and sports betting, which are covered by the Racing Act 2003, do not fall within this classification system.

² Refers to a Class 4 non-casino gaming machine in pubs and clubs, also referred to as "pokie machines".

³ The Racing Industry Act 2020 specifies that a "TAB venue" means the premises that are owned or leased by TAB NZ and where the main business carried on at the premises is providing racing betting or sports betting services.

2.0 Policy objectives – Ngā whāinga

The objectives of this policy are to:

- a) To control the growth of gambling; and
- b) To prevent and minimise the harm caused by gambling, including problem gambling; and
- c) To reduce the exposure of under 18's to gambling; and
- d) To reduce the total number of licenced gaming machines in the district; and
- e) To facilitate community involvement in decisions about the provision of gambling.

3.0 Establishment of Class 4 venues – Te whakatūnga o ngā Whare Rōpū 4

Council will not grant consent for any new Class 4 venues to be established in Whakatāne District.

To meet the policy objectives in Section 2.0, this means that when an existing venue closes the Council will not give consent for another to be established.

4.0 Establishment of TAB venues – Te whakatūnga o ngā Whare TAB

Council will not grant consent for any new TAB venues to be established in Whakatāne District.

5.0 Number of gaming machines – Te nama o ngā pūrere petipeti

Council will not grant consent to any new gaming machines in any Class 4 venue in Whakatāne District.

6.0 Relocation of existing Class 4 gambling venues and machines – Te whakanekenga o ngā whare petipeti me ngā pūrere petipeti Rōpū 4 e tū nei

Under exceptional circumstances, such as but not limited to natural hazards, climate change, and fire, Council may use its discretion to allow Class 4 gaming machines to be relocated.

In making this decision, Council will weigh the following factors:

- a) The underlying zoning of the proposed location;
- b) Proximity to land with a sensitive use (education facilities, medical centres, community facilities, places of worship, WINZ offices and marae);
- c) Proximity to ATMs and existing Class 4 venues; and
- d) The Deprivation Index of the proposed location.

7.0 Clubs intending to merge – Ngā karapu e takune ana ki te hono

The Council will issue a consent for two or more clubs holding existing Class 4 venue licences to merge physically and legally into a single club, provided:

- the place where the two venues that are being merged to holds a current Class 4 venue licence; and
- the maximum number of machines allowed to operate will be the sum of the number of gaming machines specified in all the corporate societies' Class 4 Venue licences at the time of application, or 18 machines, whichever is the lesser.

An applicant for the Council's consent under this policy must provide information as detailed in section 8 of this policy, and in addition must:

- a) Meet any requirements specified in this policy; and
- a) Meet the fee requirements specified in the Council's fees and charges schedule; and
- b) Comply with regulations set out in the Gambling Act 2003.

8.0 Applications for consents – Ngā pukatono mō ngā whakaaetanga

Any application for consent under section 6.0 of this policy must be made on the approved form and must provide:

- a) Name and contact details of the applicant; and
- b) Street address and legal description of the current and proposed venue location; and
- c) Copy of the existing Class 4 venue licence, confirming the current number of machines licensed to be operated; and
- d) Details about the venue operator, including evidence of a police clearance for owners and managers of the club/venue, ownership of the premises, nature of the businesses operated from the premises; and
- e) Evidence of proximity to land with a sensitive use (education facilities, medical centres, community facilities, places of worship, WINZ offices and marae); and
- f) Evidence of proximity to the nearest ATMs and existing Class 4 venues; and
- g) Evidence of the Deprivation Index of the proposed location; and
- h) Details of Host Responsibility policies and procedures, including a copy of the Gambling Harm Minimisation Policy and staff training programme for the venue; and
- i) An audited 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue, 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; and
- j) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and location and number of gaming machines; and
- k) Details of alcohol licence(s) applying to the premises; and
- l) Details of any police attendance for public order issues at the existing venue; and
- m) Evidence of compliance with the Whakatāne District Plan, or a copy of the necessary Resource Consent.

All applications for consent under section 7.0 of this policy must be made on the approved form and must provide:

- a) Name and contact details of the applicant clubs; and
- b) Street address and legal description of the venue the clubs plan to merge to; and
- c) Copies of the existing Class 4 venue licences held by all the merging clubs, confirming the current number of machines licensed to be operated in the merging club's venue; and
- d) Details about the venue operator, including evidence of a police clearance for owners and managers of the club/venue, ownership of the premises, nature of the businesses operated from the premises; and
- e) Details of Host Responsibility policies and procedures, including a copy of the Gambling

- Harm Minimisation Policy and staff training programme for the venue; and
- f) An audited 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue, 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; and
 - g) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and location and number of gaming machines; and
 - h) Details of alcohol licence(s) applying to the premises; and
 - i) For either premises, details of any police attendance for public order issues; and
 - j) Evidence of compliance with the Whakatāne District Plan, or a copy of the necessary Resource Consent.

All applications will incur a fee, to be known as the Venue Consent Fee, which will be prescribed by the Council pursuant to Section 150 of the Local Government Act 2002. This fee will cover:

- a) The cost of processing the application; and
- b) The cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions; and
- c) A proportion of the cost of monitoring and reviewing the policy.

The fee will be reviewed annually in accordance with the Council's Revenue and Financing Policy and the Council's adopted Fees and Charges Schedule.

9.0 Decision making – Ngā whakataunga

The Council has 30 working days in which to determine a consent application.

Decisions on applications which meet the policy criteria will be made at officer level pursuant to delegated authority.

10.0 Monitoring and review – Te aroturukitanga me te arotakenga

Council will undertake monitoring of the existing Class 4 venues listed in Appendix A at least annually.

The Council will complete a review of the policy every three years, as required by the Gambling Act 2002 and Racing Industry Act 2020.

If the Council amends or replaces this policy, it shall do so in accordance with the special consultative procedure outlined in the Local Government Act 2002.

APPENDIX A – List of existing Class 4 venues in Whakatāne District

Society Name	Venue Name	Venue Physical Address	Gaming Machines	Maximum Licensed Gaming Machines
Aotearoa Gaming Trust	Kope Turf Bar	7-9 James Street, Whakatāne Central, Whakatāne 3080	18	18
Grassroots Trust Limited	Whakatāne Hotel	79 The Strand, Whakatāne Central, Whakatāne 3080	18	18
Milestone Foundation Limited	Office Bar & Grill	80 The Strand, Whakatāne 3120	9	9
New Zealand Community Trust	Cobb & Co	79-81 The Strand, Whakatāne Central, Whakatāne 3080	18	18
Ōhope Chartered Club (Inc)	Ōhope Chartered Club	7 Bluett Road, Ōhope, Whakatāne 3121	16	16
Pub Charity Limited	Matatā Hotel	47 Arawa Street, Matatā, Whakatāne 3084	14	14
Rangitāiki Cosmopolitan Club Incorporated	Rangitāiki Cosmopolitan Club	11 Bridge Street, Edgecumbe, Whakatāne 3120	9	14
The Lion Foundation 2008	Murupara Hotel	Pine Drive, Murupara, Rotorua 3025	18	18
The Lion Foundation 2008	Plains Hotel	11-19 College Road, Edgecumbe, Whakatāne 3082	18	18
The Lion Foundation 2008	The Quart House Bar	115 The Strand, Whakatāne Central, Whakatāne 3080	18	18
Whakatāne Returned Services Association Incorporated	Whakatāne RSA Club	13/23 Richardson Street, Whakatāne Central, Whakatāne 3158	18	18
Whakatāne Sportfishing Club Incorporated	Whakatāne Sportfishing Club	Muriwai Drive, Whakatāne Central, Whakatāne 3080	14	14
Total	12		188	193

Source: Dept. of Internal Affairs Section 103 Class 4 Venues in Territorial Authority, Whakatāne District.
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