



PALMERSTON NORTH CITY

**CLASS 4 GAMBLING
VENUE POLICY**

MARCH 2017

INTRODUCTION

The Gambling Act 2003 required Palmerston North City Council (the Council) to adopt a policy on Class 4 gambling venues in March 2004. The new legislation required the Council to have regard for the social impact of gaming in the City and gave the Council the ability to limit the number of venues and gambling machines. Any person or organisation wishing to establish a new venue or operate additional machines is obliged to obtain Council consent, in addition to the licence requirements of the Department of Internal Affairs.

The policy is limited to Class 4, non-casino, gambling machines (pokies).

1. OBJECTIVES OF THE POLICY

- To ensure Palmerston North City Council and the community has influence over the location of new Class 4 gambling venues in the city.
- To allow those who wish to participate in pokie machine gambling to do so within Palmerston North.
- To have regard to the social impact of gambling within Palmerston North, and to minimise the harm to our communities caused by problem gambling.

2. CLASS 4 GAMBLING VENUES MAY BE ESTABLISHED

Class 4 gambling venues may be established where:

2.1 The primary activity of the proposed venue is:

- For the sale of liquor or the sale of liquor and food; **OR**
- Sporting activities and the club holds an on licence or club licence for the sale of liquor for consumption on the premises; **OR**
- For the operation of a New Zealand Racing Board TAB; **AND**
- Is not associated with family or children's activities; **AND**

2.2 The proposed venue is within the Palmerston North District Plan zones;

- **Inner Business Zone; OR**
- **Outer Business Zone, or Airport Zone** but subject to being no closer than 200 metres to any entrance to a school, early childhood centre, kindergarten, after school care facility or other community facility¹; **OR**
- In sports club rooms in **Recreation Zones** but subject to being no closer than 200 metres to any entrance to a school, early childhood centre, after school care facility, kindergarten or other community facility.

¹ The 200 metre distance is measured from the edge of the building that houses the gambling machines and measured in a straight line in all directions.

3. APPLICATION DETAILS REQUIRED

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

- The name and contact details of the applicant and trust details;
- The street address of premises proposed for the Class 4 licence;
- The names of management staff;
- Evidence of the primary purpose of the venue;
- A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue; and
- Evidence that the premises are authorised under the Sale of Liquor Act 1989 for the sale of liquor for consumption on the premises, or be a NZ Racing Board (TAB) Venue.
- A declaration that the purpose of the premises is not to provide family or children's activities.

4. NUMBER OF MACHINES TO BE ALLOWED

The authorised Council Officer must consider the number of class 4 gambling machines to be allowed. The following restrictions are placed on the number of gambling machines for which venue consent will be granted:

4.1 Overall cap on the total number of Class 4 gambling machines in Palmerston North

No **new** consents will be granted for club or non-club class 4 gambling venue licences where granting of consent would result in the total number of machines with consent to operate in the Palmerston North territorial local authority area exceeding 347.

4.2 Number of machines in venues

Subject to the restriction on number of machines in section 4.1

- New venues will be granted consent to operate up to maximum of 9 machines in total;
- Existing venues, operating fewer than 9 machines, shall be granted consent to operate up to maximum of 9 machines in total;

4.3 Venues relocating to new premises

A Class 4 gambling licence holder who holds consent from the Council to operate gaming machines at a venue in Palmerston North may apply for consent to relocate all the gaming machines at that venue to a new venue in Palmerston North, if the licence holder can satisfy the Authorised Council Officer that they are required to relocate to the new venue through events beyond their control.

An application for consent under this section must provide all the required information, and meet all the necessary requirements of this policy, as if it were a new application for consent under this policy.

Any consent granted under this section shall not permit the consent holder to operate a greater number of machines at the new venue than were operating at the existing venue.

For the avoidance of doubt, an application for consent under this section may be permitted even if the overall cap on the total number of class 4 gambling machines in Palmerston North specified in clause 4.1 of this policy has been reached or exceeded.

5. NOTIFICATION OF DECISION

Palmerston North City Council must issue a decision to the applicant within 30 working days after receipt of application and shall specify:

- Number of machines; and
- Location.

Applications will be dealt with, and decisions made, by the authorised Council Officer. Applicants will be notified of all reasons concerning decisions.

6. RIGHT OF APPEAL

An applicant may appeal a decision made under this policy. Appeals will be considered by the General Manager of the Customer Services Unit.

Appeal fee \$120 (subject to change).

7. APPLICATION FEES

The Palmerston North City Council will set application fees from time to time, pursuant to section 150 of the Local Government Act 2002. They are set by the Long Term Council Community Plan (LTCCP) and will be notified accordingly. They shall include consideration of the cost of:

- Processing the application, including any consultation involved;
- Balloting of unused machine capacity.

8. PROCEDURE FOR BALLOTING AND ALLOCATION OF GAMING MACHINE CAPACITY

If two or more applications are received on the same day, and there is not adequate capacity (gaming machines) to grant all of the applications, an Authorised Council Officer may conduct a ballot to determine allocation of available capacity. The City Council shall give not less than seven (7) days public notice of the time and place at which any such ballot is to be held, and any person shall be entitled to be present while the ballot is conducted.

9. DEFINITIONS

Authorised Council Officer: shall be the Liquor Licensing Inspector or other authorised officer.

Class 4 gambling: Any activity that involves the use of a gambling machine (also known as pokies) outside a casino is class 4 gambling. Refer Gambling Act 2003 section 30.

Class 4 gambling venues (Venue): A place at which gambling machines (also known as pokies) are located, or for the purposes of application at which it is proposed that gambling machines be located.

Gambling machine: refer to definition of “Gaming Machine” in Gambling Act 2003.

Family: Any group that can be identified as a family and that includes person below the age of 19.

Family Activities: Activities which have a target market which includes family(ies). 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.

Location: Building premises under one ownership structure with customer internal access between various parts of the building.²

Pokie: An electronic gambling machine.

Premises: Building in which a venue is located.

Primary Activity: The activities primarily associated with and promoted by the venue.

Private Club: Refer to definition of ‘Club’, and in this context meeting the criteria of operating as a club as defined in section 65(3), in the Gambling Act 2003.

School/licensed early childhood centre: As defined in sections 2 and 308 of the Education Act 1989 respectively.

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 gambling machines (pokies).

Zone: An area of the city, defined as a zone in the Palmerston North City District Plan.

² A shift of gambling machines within building premises is not considered to be a change in location by Palmerston North City Council. Venue operators should be free to shift existing licensed machines within premises to allow for building renovations and layout alterations without the implication of new licence costs and regulation.