

## **Class 4 Gambling Venues and Racing Board Venues Policy (under the Gambling Act 2003 & the Racing Act 2003)**

### **A Objectives of the Policy**

- To minimise the harm to the community caused by gambling.
- To manage gambling in the district; by controlling the location of venues and number of gaming machines permitted to operate.

### **B Where Class 4 gambling venues or TAB outlets may be established**

**B1** Class 4 gambling venues or TAB outlets may be established within any zone where commercial activities are a permitted activity, except a Neighbourhood Business Zone subject to:

- (a) Meeting application and fee requirements;
- (b) The number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) that the Marlborough District Council may determine from time to time;
- (c) The venue having a 'host responsibility' and gambling harm minimisation policy and staff training programme, approved by the Ministry of Health;
- (d) When assessing an application to establish a Class 4 venue or a TAB outlet, consideration must be given to the following:
  - (i) The venue not being primarily associated with family or children's activities.
  - (ii) The closeness of the venue to any residential zone;
  - (iii) The closeness of the venue to any school, kindergarten, church or other educational or religious establishment;
  - (iv) The concentration of gambling venues.

**B2** Class 4 gambling venues but not TAB outlets may be established within any Recreational Zone used for organised sporting purposes, subject to:

- (a) Meeting application and fee requirements;
- (b) The number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) that the Marlborough District Council may determine from time to time;
- (c) The venue having a 'host responsibility' and gambling harm minimisation policy and staff training programme, approved by the Ministry of Health;
- (d) When assessing an application to establish a Class 4 venue, consideration must be given to the following:
  - (i) The venue not being primarily associated with family or children's activities;
  - (ii) The closeness of the venue to any residential zone;
  - (iii) The closeness of the venue to any school, kindergarten, church or other educational or religious establishment;
  - (iv) The concentration of gambling venues;
  - (v) The venue being a recognised Sports or other recreational non-profit Club.

**C Numbers of gaming machines to be allowed**

- C1 Only those premises operating a Class 4 venue under an existing licence on or before 17 October 2001 may continue to operate the same number of gaming machines they lawfully operated on notification date 22 September 2003. For other premises the maximum number of gaming machines to be allowed in a Class 4 gambling venue in the district is 9, and the number approved will be set at the time of application; except that
- C2 Where two or more clubs merge legally and physically combine their premises, they may apply to have up to the lesser of:
- (a) the sum of the number of gaming machines specified in all of the clubs class 4 venue licences at the time of the application; or
  - (b) 30 gaming machines.

**D Overall cap on number of gaming machines in the district**

- D1 The total number of gaming machines is to be capped at 240.

*(Note: This is the number of machines able to operate within the district. Council gives an undertaking to review the maximum number of machines when the Gambling Venue policy is next reviewed).*

**E Predominant purpose of Class 4 gambling venues**

- E1 The predominant purpose of any Class 4 gambling venue will normally be:
- (a) venues that have been authorised by the Sale and Supply of Alcohol Act 2012 to sell and supply alcohol for consumption on the premises; or
  - (b) stand-alone TAB venues.

**F Incompatibility of Class 4 gambling premises**

- F1 Class 4 gambling venues must not be located in premises that are incompatible with other predominant uses in a commercial or retail district.

**G Relocation of existing Class 4 Venue**

- G1 On application Council may permit existing Class 4 venues to re-establish at a new site.
- G2 An application, and the proposed venue, must comply with all other conditions and provisions set out in this Policy, as if it were a new venue and an application for a new venue.
- G3 The maximum number of gaming machines permitted to operate at the new venue is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled.

*(Note: Where a venue relocates, the Class 4 licence for the old venue will be cancelled and the old venue will be treated as if no Class 4 venue licence had ever been held for that venue).*

**H Applications**

- H1 All application must be made on the approved form and must provide:
- (a) Evidence of a police clearance for owners and managers of the venue;
  - (b) A copy of the proposed gambling harm minimisation policy and staff training programme;
  - (c) A 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
  - (d) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
  - (e) Evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 gambling venues;
  - (f) Name and contact details for the applicant;
  - (g) Street address of premises proposed for the Class 4 licence; and
  - (h) Details of any alcohol licence(s) applying to the premises.

**I Application Fee**

- I1 The fee for making an application for a venue or relocation licence is \$290.00 per application based on a maximum processing time of two hours. Further time taken to process an application will be charged at \$145.00 per hour.
- I2 The fee is set by Council in accordance with Section 150 of the Local Government Act 2002, and includes consideration of the cost of processing the application.