

# Kaikoura District Council

## Statement of Proposal

### Review of Class 4 Gambling Policy

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#### 1 INTRODUCTION

The Gambling Act 2003, requires that a territorial authority must adopt a Class 4 Gambling Venue Policy and that regard must be given to the social impact of gambling within its district.

The adoption, amendment, review, revocation or replacement of such a policy requires use of the special consultative procedure of the Local Government Act 2002. The Kaikōura District Council adopted the first Class 4 Gambling Policy in July 2004. Subsequent reviews have been carried out in 2007, 2010, 2013 and 2017 and is now due again for review. The Council have approved a revised policy for public consultation.

Due to the closures of other Class 4 Gaming machines venues in the Kaikōura District, as a result of the earthquake, there is currently one Class 4 Gaming Venue currently in operation.

#### 2 PURPOSE OF THIS STATEMENT OF PROPOSAL

The purpose of this statement of proposal is to make the community aware of the proposed future form of the revised KDC Class 4 Gambling Policy to help enable community input into the review. The information contained in this Statement of Proposal has been approved by Council for notification and consultation.

#### 3 PROPOSED REVIEW OF EXISTING BYLAW

The Class 4 Gambling Policy institutes a number of controls including through:

- Setting out where gaming machines may be established in the district
- Having an overall cap of the number of gaming machine licences in the district
- External exposure and marketing
- Gaming machine venue host responsibility

A number of changes to the existing Policy are proposed with two key changes proposed as follows:

1. Reduction of the cap on gaming machine licences allowed in the district from the current sixty (60) to twenty seven (27)
2. Restricting class 4 gaming venues to within the Business A and B zones.

Given that the sole venue currently operating gaming machines currently has licences for eighteen machines, the rationale for reducing the current cap from 60 to 27 is to limit future growth on gaming machines, whilst allowing for another venue to potentially become established in the Kaikōura District. (The rationale behind the number of gaming machines being reduced to twenty-seven correlates with the feasibility of operating and obtaining gaming machine licences. A venue wishing to operate gaming machines would generally apply for nine licences at one time to be viable.)

#### **4 SUBMISSIONS ON THIS PROPOSAL**

Feedback is invited in respect of the proposed changes to the Class 4 Gambling Policy.

Submissions are open from Wednesday 21<sup>st</sup> September 2022 and submissions must be received by Friday 7<sup>th</sup> October 2022.

Submissions in respect of this proposal can be made in writing, and should be addressed to:

The Chief Executive

Kaikoura District Council

PO Box 6

KAIKOURA 7300

And delivered to the Council Offices or alternatively, submissions may be emailed to [admin@kaikoura.govt.nz](mailto:admin@kaikoura.govt.nz)

Submitters may if they wish to speak in support of their submission. Please indicate in your submission if you wish to do so.

#### **5 SUPPORTING MATERIAL**

1. Proposed Amended Policy
2. Council Report – August 2022

## 6 APPENDIX 1 PROPOSED AMENDED POLICY

### Class 4 Gambling Policy 2022

#### Definitions

Class 4 gambling is defined in the Gambling Act 2003 as:

- (a) Gambling that is not gambling of another class and that satisfies the following criteria:
  - (i) The net proceeds from gambling are applied to or distributed for authorised purposes:
  - (ii) No commissions is paid to, or received by, a person for conducting the gambling:
  - (iii) The gambling satisfies relevant games rules; and
- (b) Gambling that utilises or involves a gaming machine; or
- (c) Gambling categorised by the Secretary [for Internal Affairs] as class 4 gambling

#### 1. Objectives

- 1.1 To control the growth of gambling.
- 1.2 To prevent and minimize the harm to the community caused by gambling, including problem gambling.
- 1.3 To control the growth of electronic gambling machine gambling in the district.
- 1.4 To allow those who wish to participate in electronic gambling machine gambling to do so, safely and responsibly, within the district.

#### 2. Where Class 4 Gambling Venues may be established

Class 4 Gambling Venues may be established within the Kaikoura District subject to:

- 2.1 Meeting application and fee requirements.
- 2.2 The venue having a 'host responsibility' and gambling harm minimization policy and staff training program.
- 2.3 Not being a venue primarily associated with family or children's activities.
- 2.4 New venues must provide a separated area for Class 4 Gambling.
- 2.5 Established venues applying to increase the number of gaming machines within the venue must provide a separated area for Class 4 Gambling.

#### 2.6 Within the Business A or B zone as per the District Plan

#### 3. Number of gaming machines to be allowed

- 3.1 New venues shall be issued a consent for a maximum of 9 (nine) gaming machine licenses. ~~A further consent may be applied for allowing venues a maximum of 9 machine licenses after the first 2 years of operation; (subject to complying with clause 4.1)~~
- 3.2 ~~Venues with licenses issued after 17 October 2001 and operating fewer than 9 gaming machines shall be allowed to increase the number of gaming machines operated at the venue to 9.~~
- 3.3 ~~Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines in the venue to no more than 18.~~
- 3.4 The number of gaming machines proposed for the venue being able to be met within the overall district cap that is specified in this policy.

~~3.5 Where two or more clubs or societies legally and physically combine their premises, they may apply to have up to 9 machines or the sum of the number of machines specified in all the clubs class 4 licences at the time of application, whichever is the lesser of the two numbers.~~

#### **4. Overall cap on venues and the number of gaming machine licenses in the Kaikoura district**

4.1 The total number of gaming machine licenses (including all those licensed on or prior to 17 October 2001) in the district may not exceed 27 (twenty seven) ~~60 (sixty)~~.

#### **5. Incompatibility of Class 4 Gambling Venues**

Class 4 gambling venues must not be located in premises that are incompatible with other predominant uses of the premises or of other premises located in close proximity.

#### **6. External Exposure and Advertising**

Gaming machines must not be visible from the street, road or highway and no advertising is permitted, including sandwich board and prize money advertising of any description if able to be seen from the exterior of the premises.

#### **7. Host Responsibility**

7.1 All operational staff to have undertaken training on dealing with problem gamblers.

7.2 Gaming Machine venues must display problem gambling material and offer support and supervision for those affected.

7.3 Applicants to show existing proactive problem gambling policies and implementation plans, and the ability to monitor and manage these.

#### **8. Applications**

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

8.1 Name and contact details of the applicant.

8.2 Street address of the premises.

8.3 A site plan covering both gambling and other activities proposed for the venue.

8.4 Details of liquor licence(s) applying to the premises.

8.5 Any relevant gambling harm minimization policies.

#### **9. Application Fees**

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

9.1 The cost of processing the application, including any consultation and hearings involved.

9.2 The cost of establishing and triennially reviewing the Class 4 Gambling Venue policy.

9.3 The cost of inspecting Class 4 Gambling Venues on a regular basis to ensure compliance with consent conditions.

9.4 A contribution towards the costs of triennial assessments of the economic and social impact of gambling in the district.

#### **10. Decision Making**

**10.1 The council shall administer this policy**

**10.2** ~~10.1~~ Upon receipt of a complete application form containing all required information and the full application fee, the Council has 30 working days to determine a decision.

**10.3** ~~10.2~~ The decision on an application will be made at an officer level pursuant to delegated authority and be based on the criteria detailed in this policy.

**11. Monitoring and Review**

**11.1** The Council will review the policy within 3 years of its adoption and then within 3 years after that review and each subsequent review is completed.

**11.2** The Council will monitor the social and economic impact of gambling on the community as part of the policy review process.

**11.3** The Council may amend this policy as a result of the findings of the social and economic~~al~~ impact monitoring.

**11.4** Any review of amendment of this policy will be undertaken in accordance with the special consultative procedure outlined in the Local Government Act 2002.

**12 Adoption and Commencement**

**12.1** This policy is to be adopted by the Council in accordance with the special consultative procedure.

**12.2** This policy will take effect from the day after its adoption by the Council

**12.3** this policy was adopted at the duly notified Council meeting held on xxx and after completion of the special consultative procedure, and takes effect from xxxx date