

Class 4 Gambling (Pokie) Venue Policy

Auckland Council, July 2013



Background

The Gambling Act 2003 requires territorial authorities to adopt a Class 4 Gambling (pokie) venue policy, and to review the policy every three years. Adoption or amendment of these policies must use the special consultative procedure under section 83 of the Local Government Act 2002.

A class 4 venue policy must specify whether new venues may be established and where they may be located, how many machines they may have, and what the primary activity of the venue must be.

For venues operated by clubs, the policy must also include statements on:

- whether to allow existing club venues to increase the number of machines, up to a maximum of 18 machines; and
- how many machines will be allowed (up to a maximum of 30), when two club venues merge into one venue.

In both cases, territorial authority consent is required before the club may seek permission from the Minister of Internal Affairs, who makes a final decision.

Following the amalgamation of the seven former territorial authorities on 1 November 2010, Auckland Council inherited seven policies on gambling venues. Section 65 of the Local Government (Auckland Transitional Provisions) Act 2010 requires that Auckland Council must, for policies made by an existing local authority which are expressly required by an enactment; review each such policy and confirm, amend, or revoke it before the close of 31 October 2015.

In November 2012, the committee approved a proposed Class 4 Gambling (pokie) Venue policy for public consultation [minute: RDO/2012/222].

The special consultative procedure for the class 4 gambling (pokie) venue policy was combined with another consultative procedure for the racing board (TAB) venue policy, as permitted by section 83A of the Local Government Act.

A hearings panel was appointed to hear submissions in response to the statements of proposal for a Racing Board (TAB) Venue policy and a Class 4 Gambling (Pokie) Venue policy, and make recommendations to the Committee on both policies [minute: HC/2013/24].

The hearings panel reported back to the Committee on 24 July 2013. The new Class 4 Gambling (Pokie) Venue policy was adopted, with immediate effect, at 12:20 pm [minute: RDO/2013/117].

Class 4 Gambling (Pokie) Venue Policy 2013

Ko te Kaupapa mo nga Wahi o nga Petipeti Wahanga 4 (Pokie)

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 the gambling are applied to or distributed for *authorised purposes*;
 - (ii) no commission is paid to, or received by, a person for conducting the gambling;
 - (iii) the gambling satisfies relevant game 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.”

Class 4 Gambling venue is a place used to conduct Class 4 Gambling.

Club is defined in the Gambling Act 2003 as:

“a voluntary association of persons combined for a purpose other than personal gain”.

Club venue, for the purposes of this policy, means a *Class 4 Gambling venue* that is operated by a *Club* and where *Class 4 Gambling* is available only to members of that club and their guests.

Objectives

- To control the growth of gambling in Auckland
- To minimise the harm caused by gambling in Auckland

Rules

1. Auckland Council will not grant consent for the establishment of any new Class 4 Gambling venues. This also means council will not grant consent for the relocation of an existing venue.
2. Auckland Council will not grant consent to an increase in the number of machines in an existing Class 4 Gambling venue, in circumstances where an application might be made to the Minister under section 96(2) of the Gambling Act.
3. Auckland Council will grant consent under section 95(2) of the Gambling Act for two club venues to merge, with the following conditions:
 - (a) Auckland Council is satisfied that the merging Class 4 Gambling venues are both (or all) club venues, as defined in this policy.
 - (b) The place where the two venues that are being merged to holds a current Class 4 Gambling venue licence.
 - (c) The number of machines in the merged club venue will be no more than 5/6ths of the sum of the number of machines specified in the Class 4 Gambling venue licences of the merging club venues at the time consent is

sought (the number will be rounded down to the nearest whole number, if it is not a whole number).

- (d) An application for consent to club venue merger has been received, which includes:
 - (i) the name and contact details of the applicant clubs;
 - (ii) the street address of the venue the clubs plan to merge to;
 - (iii) evidence that the applicant clubs are club venues as defined in this policy, and;
 - (iv) copies of the Class 4 Gambling venue licences held by all the merging clubs, confirming the current number of machines licensed to be operated in the merging club venues.
 - (e) An application fee has been paid.
4. The amount of the application fee will be set by Auckland Council in accordance with Section 150 of the Local Government Act 2002, and shall include consideration of the cost of processing the application.
 5. A decision to consent to a club venue merger under Rule 3, including any assessment of the sufficiency of information provided under 3(d), will be made by the Chief Executive or a person delegated to do so on his/her behalf.
 6. To avoid doubt, and to resolve any potentially inconsistent decisions, as required by section 80 of the *Local Government Act 2002*; if the policy decision in Rule 3 is inconsistent with another policy or plan of the Auckland Council, including a Local Board Plan made under section 20 of the *Local Government (Auckland Council) Act 2009*, then the other policy or plan will take precedence over Rule 3.