

Kapiti Coast District Council

Class 4 Gambling Policy 2019

1. Policy Validation

- 1.1 The Kapiti Coast District Council Class 4 Gambling Policy 2019 was approved at a meeting of the Kapiti Coast District Council held on 11 April 2019, after completion of a public consultation process.
- 1.2 This Policy has been made pursuant to Section 101 of the Gambling Act 2003 (the Act), and reviewed in accordance with the requirements of Section 102 of the Act.

2. Interpretation

- 2.1 In this Policy, unless the context requires otherwise:

Class 4 gambling venue	means a place that conducts Class 4 gambling
Class 4 gambling	means gambling: <ol style="list-style-type: none"> i. that utilises or involves a gaming machine; ii. where the proceeds are distributed for authorised purposes; iii. where no commission is paid; iv. that satisfies relevant gaming rules; and v. is categorised by the Secretary for Internal Affairs as Class 4 gambling.
Gambling harm	means the adverse impact problem gamblers have on themselves, their family and friends, and wider society. For instance, problem gamblers suffer from increased rates of bankruptcy, arrest, imprisonment, unemployment, divorce, and poor physical and mental health. There is also evidence to suggest that problem gamblers have higher rates of suicide.
Problem gambling	means a pattern of gambling behaviour that disrupts and damages a person's life, their friendships, family relationships and job interests.
Council	means the Kapiti Coast District Council or any committee, community board, or an enforcement officer authorised to exercise the authority of the Council.

3. Objectives of the Policy

- 3.1 To minimise gambling harm to Kapiti Coast communities caused by Class 4 gambling.
- 3.2 To control the growth of Class 4 gambling in the Kapiti Coast District.
- 3.3 To ensure Class 4 gambling venues are appropriately located.
- 3.4 To ensure that the Kapiti Coast District Council and its communities have influence over the provision of new Class 4 gambling venues in the Kapiti Coast District.

- 3.5 To control the number of Class 4 gaming machines in the Kapiti Coast District.
- 3.6 To redistribute existing Class 4 venues and gaming machines in the District so that they are more evenly spread amongst the adult Ward population and closer to the District average (as measured at April 2018).

4. Rules Regarding Existing Class 4 Gaming Venues

- 4.1 The Act provides that venues licensed before 17 October 2001 can operate up to a maximum of 18 machines, but this number will be considered relative to the objectives outlined in section 3.
- 4.2 The Act provides that venues licensed after 17 October 2001, but before the Act came into force, can operate up to a maximum of 9 machines, but this number will be considered relative to the objectives outlined in section 3.
- 4.3 Section 96 of the Act provides that clubs that were licensed after 17 October 2001 and are only able to operate 9 machines can apply to operate up to 18 machines. However, they must first obtain territorial authority consent, which will be considered relative to the objectives outlined in section 3, and must then apply for Ministerial approval.
- 4.4 Section 95 of the Act provides that clubs that merge are able to be licensed to operate up to 30 machines or the lesser of the number currently operated in each of the merging clubs. However, they must first obtain territorial authority consent, which will be considered relative to the objectives outlined in section 3, and must then apply for Ministerial approval.

5. Rules Regarding New Class 4 Gaming Venues

- 5.1 Further to the provisions above, this Policy maintains the Districtwide Class 4 gaming venue cap at **15** venues (as per the 2011 Policy). No new Class 4 gaming venues will be approved in any part of the Kapiti Coast District if it means this cap will be exceeded.
- 5.2 No new Class 4 gaming venues and no new Class 4 gaming machines will be allowed in the Ōtaki Ward.
- 5.3 Outside of the Ōtaki Ward, new Class 4 gaming venues may be established subject to a vacancy in the current venue caps and in compliance with the Kapiti Coast District Plan, fee and application requirements, and sections 3, 6, 7, and 8 of this Policy.

6. Location of New Class 4 Gaming Venues

- 6.1 No additional Class 4 gaming venues will be permitted in areas where additional gaming machine numbers will breach the objectives and restrictions outlined in section 3 of this Policy.
- 6.2 New Class 4 gaming venues will not be permitted where the Council believes that the amenity of the area for which the venue is proposed will be adversely affected, or where there is likely to be an adverse effect on any community facilities, including kindergartens, early childhood centres, schools, and places of worship.

- 6.3 Class 4 gaming venues are prohibited in commercial premises where family and/or children's activities are promoted (e.g. family dining or family recreational venues).
- 6.4 Class 4 gaming venues will only be approved in premises licensed under the Sale and Supply of Alcohol Act 2012 with a restricted designation. Stand-alone TAB venues are exempt from this requirement.
- 6.5 The primary activity of a Class 4 gaming venue must not be Class 4 gambling.
- 6.6 A Class 4 gaming venue consent is for one venue (one premises) and is not transferable to another venue (premises) unless consent is obtained from the Council. The consent is given to a venue at a given address, not to a person or business.

7. Relocation of Class 4 Gaming Venues

- 7.1 A new venue consent will be issued by Council in the following circumstances:
 - a) Where the venue is intended to replace an existing venue within the District;
 - b) Where the existing venue operator consents to the relocation; and
 - c) Where the proposed new location meets all the other requirements in this Policy.
- 7.2 No relocation will be allowed in any Ward where the number of Class 4 gaming machines exceeds the cap.
- 7.3 In accordance with section 97A of the Act, when a relocation consent is sought under this relocation provision, the new venue may operate up to the same number of machines that were permitted to operate at the old venue immediately before the old venue licence was cancelled as a result of the relocation.
- 7.4 In accordance with section 97A(c) of the Act, when the new venue is established following a consent being granted under this relocation provision, the old venue is treated as if no Class 4 venue licence was ever held for the venue. The old venue will therefore require a new territorial authority consent from Council before being relicensed to host gaming machines and will be limited to a maximum of 9 machines if such a consent is issued by Council.
- 7.5 Council will publicly notify applications for the relocation of Class 4 gambling venues and allow for public submissions to be lodged and heard.

8. Restrictions on the Number of Class 4 Gaming Machines

- 8.1 In 2011, Ward based restrictions on the number of Class 4 gaming machines were established using the Districtwide average of Class 4 gaming machines to the adult population. With each Class 4 Social Impact Review, which is conducted every three years, current Districtwide averages are calculated using the most recent population data.

- 8.2 The current Districtwide ratio is 1 machine to 167 adults aged 18 years and older (determined from the District average calculated in April 2018¹). The number of permitted machines in each Ward is stated in Table 1.

Table 1: Permitted number of machines in each Ward

Ward	Population over 18 years	Current no. of gaming machines	Permitted no. of gaming machines in each Ward	Difference between cap and current no. of machines	Ratio of permitted no. of gaming machines (as per the cap) to adults
Paekākāriki – Raumati	7,587	27	45	+18	1:169
Paraparaumu	14,937	86	89	+3	1:168
Waikanae	9,018	18	52	+34	1:173
Ōtaki	6,642	61	42	-19	1:158
Total District	38,184	192	228	+36	1:167

Note: Current number of gaming machines as at April 2018. Population and ratio of gaming machines to adults measured with Statistics New Zealand 2013 Census data.

- 8.3 The total District Class 4 gaming machine cap is 228 gaming machines (refer Table 1).
- 8.4 Additional gaming machines will only be considered in the Paekākāriki / Raumati Ward if the machines are located in the Raumati Township and the increase does not breach the District venue cap of 15, the District machine cap of 228, or the Ward cap of 45.
- 8.5 Additional gaming machines will only be considered in the Paraparaumu Ward if the increase does not breach the District venue cap of 15, the District machine cap of 228, or the Ward cap of 89.
- 8.6 Additional gaming machines will only be considered in the Waikanae Ward if the increase does not breach the District venue cap of 15, the District machine cap of 228, or the Ward cap of 52.
- 8.7 In the event that, for example, two or more existing clubs amalgamate, then the location, population, and proposed number of machines will be considered relative to the objectives and rules outlined in sections 3, 4, 6, 7 and 8 of this policy.

¹ District average calculated as follows: 38,184 adults / 228 non-casino gaming machines = 167 adults to 1 gaming machine as at April 2018. Data sourced from Statistics New Zealand, Census of Population and Housing 2013.

8.8 The number of gaming machines permitted in new venues (licensed after the Act came into force) will be subject to the consent criteria contained in this Policy limited to a maximum of 9 machines, as specified by the Act.

9. Applications and Fees for Consents

9.1 Applications for new Class 4 gaming venues or additional gaming machines at existing venues must be made on the approved form (available from the Council).

9.2 Applications are processed in accordance with the Environmental Compliance Officer hourly rate for extraordinary activities as set in the section 'General compliance fees – Environmental Protection' in the Kāpiti Coast District Council Long term plan 2018-38.²

10. Next Policy Review

10.1 In accordance with section 102 of the Gambling Act 2003, this Policy will be reviewed by the Council in 2021.

² Fees and charges are regularly reviewed and may be amended through the Annual Plan/Long Term Plan process. For potential fee updates, please see the latest Annual Plan.