

IN THE MATTER of the Gambling Act 2023

AND an appeal by **NZ GLOBAL
TRADE N SERVICES
LIMITED** against refusal of a
class 4 venue licence for The
Shed

BEFORE THE GAMBLING COMMISSION

Members: S W Hughes KC (Chief Gambling Commissioner)
S C L Pearson
W A Acton
S T Shaw
C M Risk

Date of Appeal: 29 November 2025

Date of Hearing: 15 May 2026

Date of Notification
of Decision: 27 May 2026

**DECISION ON AN APPEAL BY NZ GLOBAL TRADE N SERVICES LIMITED AGAINST
REFUSAL OF A CLASS 4 VENUE LICENCE FOR THE SHED**

1. NZ Global Trade N Services Limited (“**NZ Global**”) appealed against a decision by the Secretary for Internal Affairs (“**Secretary**”) to refuse to grant a class 4 venue licence for the venue known as The Shed, located at 61 Vogel Street, Roslyn, Palmerston North (“**Venue**”).

Background to appeal

2. On 7 August 2024, the Secretary received an application for the grant of a new class 4 venue licence for the Venue. On 17 November 2025, the Secretary notified a decision to not grant the class 4 venue licence for the Venue on the basis that he was not satisfied that the Venue was not used mainly for operating gaming machines.
3. On 26 November 2025, NZ Global filed a notice of appeal with the Gambling Commission which raised the following grounds:
 - (a) NZ Global is a party to a venue agreement with the applicant for the class 4 venue licence for the Venue, being New Zealand Community Trust (“**Applicant**” or “**NZCT**”). Pursuant to section 77 of the Gambling Act 2003 (all statutory

references are to this Act, unless otherwise stated), it accordingly has a right to appeal the decision to refuse to grant the class 4 venue licence.

- (b) The application for the class 4 venue licence was predicated on the gaming machines operating within the Venue, as a functional tavern, to be named The Shed, which would provide a community space for connection. Under an earlier name, and under another owner, the Venue had hosted gaming machines for many years. The Applicant was therefore seeking an extension of the status quo.
- (c) The premises continue to hold a class 4 venue licence as the class 4 venue licence application was under the new name of The Shed and the present class 4 venue licence remains in force.
- (d) The Venue owner applied for a new alcohol on-licence to authorise the supply of alcohol to its patrons. It was required to do so because the previous on-licence had expired, as a result of a change in the reporting system of the local District Licensing Committee (“**DLC**”), such that a renewal application was unavailable.
- (e) The new alcohol on-licence application for the Venue was refused by the local DLC. Subsequently, an appeal against the DLC refusal was lodged.
- (f) The Secretary’s decision to refuse to grant the class 4 venue licence was made on the basis of section 67(1)(k), namely he was not satisfied that the Venue would not be used mainly for operating gaming machines for the following recorded reasons.
 - (i) The Venue’s main use was described in the class 4 venue licence application as a ‘tavern’ which is defined in section 5(1) of the Sale and Supply of Alcohol Act 2012 (“**SSA Act**”) as premises used or intended to be used in the course of business principally for the provision of alcohol and other refreshments to the public.
 - (ii) An application for the on-licence required to sell alcohol at the Venue had been refused.
 - (iii) No other evidence had been provided that the Venue had an alternative main use which would satisfy the requirement that the Venue is mainly used for a purpose which is acceptable under the Act.

- (g) It was unreasonable to refuse the class 4 venue licence application on the basis of the refusal of the alcohol on-licence application, the decision regarding which was substantially delayed by the DLC. The class 4 venue licence application should have been suspended or placed on hold until the alcohol on-licence appeal was decided.
 - (h) The Secretary had the power to grant, and should have granted, a class 4 venue licence subject to conditions, pursuant to section 70, to ensure that another main activity was offered and available at the Venue at the time gambling was conducted under the licence.
 - (i) The class 4 venue licence should have been granted for a shorter period, pursuant to section 70(2), to address any concern that the lack of an alcohol on-licence would “leave the class 4 venue licence languishing”.
 - (j) Declining the application effectively subjected any new class 4 venue licence application to Palmerston North City Council’s sinking lid policy, which is unfair because the Council itself had unduly delayed processing the alcohol on-licence.
4. The previous class 4 venue licence was held by NZCT, the Applicant on the class 4 venue licence application that is the subject of the decision under appeal. As the appeal grounds indicate, NZ Global has a right of appeal as a party to a venue agreement with NZCT in respect of the Venue.
5. The Commission received submissions in support of the appeal, along with affidavits of Carla Woollaston and Jared Rawiri, on 20 February 2026. The Secretary filed submissions in opposition and a supporting affidavit of Vanessa Sylvia O’Donnell on 6 March 2026. NZ Global filed submissions in reply on 20 March 2026.

Statutory provisions applying to grant and renewal applications and appeals

6. Applications for a class 4 venue licence are made under section 65 which relevantly provides:
- (1) A corporate society may apply to the Secretary for a class 4 venue licence.
 - (2) An application must be on the relevant standard form and be accompanied by—
 - ...
 - (j) evidence that the class 4 venue is not to be used mainly for operating gaming machines;
7. Section 72 of the Act specifies the process for the renewal of a class 4 venue licence:
- (1) A corporate society may apply to the Secretary for a renewal of its class 4 venue licence before the expiry of the licence.

- (2) An application must be on the relevant standard form and be accompanied by any items listed in [section 65](#) that the Secretary requests in order to consider the application and effect the renewal.
- (3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.
- (4) [Sections 66](#) and [67](#) apply to an application for renewal as if it were an application for a class 4 venue licence.
- (5) The Secretary must refuse to renew a class 4 venue licence if—
 - (a) the applicant does not hold the associated operator's licence; or
 - (b) any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in [section 67](#); or
 - (c) the Secretary is not satisfied that the applicant complies with [section 69A](#); or
 - (d) the Secretary is not satisfied that the applicant will comply with all relevant requirements of this Act, including the obligations set out in [section 69A](#), minimum standards, game rules, *Gazette* notices, and licence conditions.
- (6) Unless the associated operator's licence is cancelled, suspended, or not renewed, a class 4 venue licence continues in force after its expiry date if—
 - (a) the corporate society has applied for renewal before the expiry date; and
 - (b) the application has not been refused.

8. Section 67 relevantly sets out the grounds for both granting or renewing a class 4 venue licence as follows:

- (1) The Secretary must refuse to grant a class 4 venue licence unless the Secretary is satisfied that—
 - ...
 - (f) the territorial authority has provided a consent (if required under [section 98](#)); and
 - ...
 - (k) the class 4 venue is not used mainly for operating gaming machines; and
 - ...
 - (q) the proposed venue is suitable in all other respects to be a class 4 venue; and
 - ...
 - (s) the applicant is able to comply with all other applicable regulatory requirements.

9. Section 69A specifies a set of continuing obligations of the relevant corporate society in relation to a class 4 venue licence, the obligations relevant to this appeal being as follows:

A corporate society that holds a class 4 venue licence must, in relation to class 4 gambling conducted at the class 4 venue for which the licence is held, ensure that, at all times,—

...

(e) the venue is not used mainly for operating gaming machines; and ...

...

10. Section 70(1)(i) provides that a class 4 venue licence may include conditions to prevent class 4 gambling being conducted at a venue unless the primary activity of the venue is offered and available at the time.
11. Section 71(1)(g) provides that a corporate society must notify the Secretary if it has not conducted class 4 gambling at the venue for more than four weeks (in which case the class 4 venue licence must be surrendered, under section 79(1)(a), unless the Secretary agrees that the venue may remain inactive for a further specified period).
12. Section 313(1)(d) makes provision for regulations for declaring venues to be suitable or unsuitable to be a class 4 venue. Suitability of the venue is a requirement pursuant to section 67(1)(q). Regulation 4(a) of the Gambling (Harm Prevention and Minimisation) Regulation 2004 (**Regulations**) provides that a venue is declared to be unsuitable to be a class 4 venue if “the primary activity” of the venue “is anything other than onsite entertainment, recreation, or leisure focused on persons 18 years and over”. Regulation 4 also lists several express exclusions, both within sub-reg (a) and subsequently in sub-regs (b) to (g). Those exclusions include fast food outlets or similar, amusements parlours and arcades, and internet or cyber cafes or any other venue at which the primary activity is electronic media (including games). However, the decision under appeal did not consider suitability of the Venue from the perspective of suitability or “primary activity”; rather it focused on how the Venue is “used mainly”.
13. If the Secretary proposes to refuse to renew a class 4 venue licence, the Secretary must follow the procedure set out in section 75. The procedure involves notification of the proposal to refuse to renew, the reasons for it and the rights and procedures to be followed. Provision is then made for written submissions in response, their consideration by the Secretary and, if the proposal to refuse to renew proceeds, notice of the date on which it takes effect, the reason for it and the right to appeal and appeal process. In this case, the process followed was that applying to an application for a grant of a class 4 venue licence, as summarised in paragraph 2.

14. In the event of a challenge to the Secretary's decision, section 77 provides for an appeal to the Gambling Commission. Section 77 relevantly provides as follows:

- (1) A corporate society or, if there is a venue agreement, the parties to the agreement, and the venue manager may appeal to the Gambling Commission against a decision of the Secretary to—
 - (a) refuse to grant a class 4 venue licence to the corporate society
 -
 - (c) refuse an application by the corporate society for renewal of a class 4 venue licence
 -
- (3) The Gambling Commission—
 - (a) may request any information from the corporate society or the parties to the agreement or the venue manager or the Secretary; and
 - (b) is not bound to follow any formal procedure; and
 - (c) does not need to hold a hearing; and
 - (d) must consider any information provided by the corporate society, or the parties to the venue agreement, and the venue manager and the Secretary.
- (4) The Gambling Commission may—
 - (a) confirm, vary, or reverse the decision of the Secretary; or
 - (b) refer the matter back to the Secretary with directions to reconsider the decision.
- (5) The Gambling Commission must give notice of—
 - (a) its decision, with reasons, to the corporate society, or the parties to the venue agreement, and the venue manager and the Secretary; and
 - (b) the date on which its decision takes effect (which may be a date that is later than the date on which it makes the decision).

Nature of application subject to appeal

15. In its appeal submissions, NZ Global classified the application under appeal as a renewal of a venue licence for the Venue under section 72 of the Act.¹ One of the grounds in the notice of appeal similarly asserted that a class 4 venue licence was in place at the time of the application. The submissions for the Secretary observed that, because the previous class 4 venue licence had been surrendered, the application was for a new licence under section 65, not for renewal of a current but expiring licence under section 72.² In reply, NZ Global argued that, because the Venue had been the subject of a class 4 venue licence for more than two decades, operating as a more limited venue (tavern only), the

¹ NZ Global submissions at [10].

² Secretary submissions at [15].

application was more akin to a renewal, despite the intended improvements and variation of focus as a community hub.³

16. The difference in the asserted classification resulted in the parties' submissions referring to different statutory provisions. Ultimately, however, the differences do not affect the decision by the Commission on appeal because satisfaction concerning an acceptable main use is a common and essential requirement for granting either form of application. It is also common ground factually that the prior class 4 venue licence was surrendered before the class 4 venue licence application under appeal was lodged.
17. It is possible that the difference regarding the categorisation of the application under appeal was thought to be relevant to the requirement under section 67(1)(f) for a territorial authority consent if required by section 98. Section 98(b) requires territorial authority consent if a class 4 venue licence application is made and a class 4 venue licence for the subject venue has not been held "within the last 6 months". However, section 67(1)(f) applies to both new licence applications and to renewal applications, although section 98(b) is unlikely to be engaged for renewal applications. It is common ground that, because Palmerston North City Council has in place a "sinking lid" policy that requires it to decline to grant consents for new licences, territorial authority consent for the Venue would likely not be granted if required under section 98(b).
18. The other relevant licensing timeframe that potentially affects the application arises under section 92, which limits the maximum number of gaming machines to no more than nine unless "there has not been a period of 6 months or more ... when no class 4 venue licence was held" for the venue.⁴ The different 6 month periods apply for different purposes and are stopped by different events. The section 98 period refers to the state of affairs when an application is made for a new licence or renewal of a licence (so the application stops time running) while the section 92 period refers to licence continuity and is not stopped by the lodging of an application.⁵ The Venue is understood to have been licensed previously for 12 gaming machines, however, the appeal does not raise any issue directly regarding the section 92 time limit and the effect on the maximum number of gaming machines.
19. Examination of the application form lodged confirms that the application by NZCT was for a grant of a class 4 venue licence, not an application for renewal, contrary to the NZ Global submissions. In the Commission's view, the decision to do so was correct because the prevailing factual circumstances did not meet the requirements of section 72(1), which

³ NZ Global reply submissions at [13].

⁴ Section 92(1)(b).

⁵ See *Air Rescue Services (re Robbies)*, GC26/10, at [30].

require an application to renew a current class 4 venue licence “before the expiry of the licence”. It is common ground that, at the time of the application, the prior class 4 venue licence had been surrendered.

20. The facts that earlier class 4 venue licences had been granted in respect of the Venue, and the common identity of a former holder are not material to the categorisation of the application. The appeal is against a decision to refuse to grant a class 4 venue licence.
21. This decision describes matters correctly, whether or not the parties used the correct terms in submissions. Correction includes using the correct name of legislation, changing renewal provision references to new licence grant provisions and extending to the use of terms such as “primary activity” when the intended reference was to how the Venue was “used mainly”, as discussed later in this decision.

Factual background

22. The factual background is not in dispute. The Venue is located in a shopping centre, where a series of shops are located with a street frontage in a suburban area. The site is an established hospitality site. For almost three decades, it operated as a tavern under the name “The Birdcage Bar” and included 12 gaming machines. Gambling ceased at the Venue on 26 June 2024 after its alcohol licence expired.⁶
23. The prior class 4 venue licence holder, NZCT, surrendered its class 4 venue licence on 26 July 2024. It appears that the premises were purchased by NZ Global after the expiry of the alcohol on-licence on 26 June 2025. An application for a new alcohol on-licence was made by NZ Global on 18 July 2024.⁷ The application for the grant of a new class 4 venue licence by NZCT, the holder of the prior class 4 venue licence, was lodged on 7 August 2024.⁸
24. The DIA inquired about the progress of the alcohol on-licence application and its associated hearing on 18 September 2024, 26 November 2024, 23 January 2025, 18 February 2025, and 7 April 2025. Following a DLC hearing on 12 June 2025, the DIA inquired about the DLC hearing result on 10 July 2025, 28 July 2025, and 10 September 2025. On 15 September 2025, NZ Global advised DIA that the application for an alcohol on-licence had been refused.⁹

⁶ NZ Global submissions at [4].

⁷ Secretary submissions at [13] and [14].

⁸ Secretary submissions at [13].

⁹ Secretary submissions at [30].

25. The floor plan for the Venue showed that it is small and dominated by a partition wall separating patrons in the bar from those in the gaming area. Although customers could move freely from one area to the other, the view of the gaming area was screened from the bar area by the partition wall. The Birdcage Bar consisted of a 12 gaming machine area and a bar, nothing else. Most of the total floor space was occupied by the gaming machine area.¹⁰
26. NZ Global purchased the Venue intending to continue its long-standing operation as a local tavern, under a new name, The Shed. It renovated the interior, removing the partition walls that had screened the gaming area with the aim of providing a more modern, inclusive community space.¹¹ NZ Global added additional activities, including darts, pool and card evening events.¹²
27. The gaming machines installed were those previously installed in The Birdcage Bar, with no change in location. Removal of the partition wall is said to have brought the gaming machines “into the light and living space of the balance of the bar, encouraging interaction with others and entertainment for those who may wish to observe.”¹³
28. NZ Global’s application for an alcohol on-licence was not heard until about 10 months after it was lodged, the delay being largely outside its control. On 15 September 2025, the Palmerston North DLC issued a decision to refuse the application for an alcohol on-licence.¹⁴ The decision under appeal, by the Secretary refusing to grant a new class 4 venue licence, followed. The notified reason for the refusal was the Secretary’s failure to be satisfied that the Venue “is not used mainly for operating gambling machines”.¹⁵

The issues

29. On an appeal, the Commission may confirm, vary, or reverse the Secretary’s decision or refer the matter back to the Secretary with directions to reconsider the decision. The Commission conducts the hearing *de novo*, meaning that it considers all the information placed before it by the parties, irrespective of whether the information was previously before the Secretary, and reaches a new decision.

¹⁰ NZ Global submissions at [5].

¹¹ NZ Global submissions at [6].

¹² NZ Global submissions at [7].

¹³ NZ Global submissions at [8].

¹⁴ Secretary submissions at [16].

¹⁵ Section 67(1)(k) and the related obligation in section 69A(e).

30. Against that background, the notice of appeal and the submissions received indicate that the appeal raises the following issues for consideration:

- (a) Is the Commission satisfied, on the material before it, that the Venue is not used mainly for operating gambling machines, particularly in the absence of an alcohol on-licence?
- (b) If not, would it be appropriate, in all the circumstances, to issue a class 4 venue licence in respect of the Venue which is subject to a condition that the Venue must not operate without an alcohol licence?
- (c) Might the decision to do so affect the requirement to obtain territorial consent under section 98(b) and, if so, should that affect the decision whether to do so?

The submissions received are summarised below by reference to those issues.

Main use of the Venue

NZ Global submissions

- 31. NZ Global observed that there are no provisions which specify how assessment of the main use should be carried out and that there is no statutory definition of “used mainly”.¹⁶ The word “main” as an adjective is defined as ‘larger, more important, or having more influence than others of the same type.’¹⁷
- 32. NZ Global criticised the Secretary’s reliance on the High Court decision in *Dragon Community Trust Ltd v Secretary for Internal Affairs*,¹⁸ saying that the Secretary had proceeded from the definition of “tavern” in the SSA Act which assumed that the sale and supply of alcohol would be the main activity of the venue. In the absence of an on-licence permitting its use as a tavern, the conclusion had been drawn that the Venue’s main use would likely be operating gaming machines. Global maintained that the Secretary was wrong to find as such. The Secretary’s position was that he had no evidence of a different activity which could be established as the main use.¹⁹
- 33. NZ Global asked the Commission to recognise that the definition of ‘tavern’ in the SSA Act expressly includes intended use and also to consider the evidence filed on the appeal of a range of proposed activities as displacing operating gaming machines as the main use. NZ Global argued, on the basis of the evidence of alternative activities, that gambling

¹⁶ NZ Global submissions at [14].

¹⁷ NZ Global submissions at [15].

¹⁸ *Dragon Community Trust Ltd v Secretary for Internal Affairs* [2025] NZHC 507.

¹⁹ NZ Global submissions at [16].

would not be the main activity, even if the Venue lacked an on-licence.²⁰ It observed, correctly in the view of the Commission, that there is no statutory provision that requires the Venue to obtain an on-licence prior to grant of a class 4 venue licence.²¹

34. It argued that, in reaching his decision, the Secretary had failed to apply a checklist, established by earlier caselaw, to assess whether gaming is the main activity, being:²²
- (a) nature and configuration for the premises;
 - (b) public perception (provided it is consistent with the legal definition of “tavern”);
 - (c) reasons why patrons attend the premises;
 - (d) revenue from various sectors of the business;
 - (e) imposition of a cover charge;
 - (f) current nights of the week when the premises are open;
 - (g) trading hours and days requested;
 - (h) nature of the entertainment;
 - (i) food and beverages offered.

Secretary’s submissions

35. The Secretary observed that the main use proposed in the class 4 venue licence application was as a “tavern.” The Applicant was informed that a valid alcohol licence is required for a tavern to deliver its core business to its customers, being the provision of alcohol and collaterally other refreshments to the public. No alternative suitable main use of the Venue was proposed at any point. The statutory framework under the Act requires assessment of the grounds at the time of the application, rather than in the longer term. This approach was endorsed in *Dragon Community Trust Ltd v Secretary of Internal Affairs*.²³

²⁰ NZ Global submissions at [18].

²¹ NZ Global submissions at [19].

²² NZ Global submissions at [21] citing *Alicious v LNDLU & Co Ltd* [2021] NZARLA 36 at [100], referring and supported by *Kaiti Club Hotel Ltd v Kai Pai Kaiti Trust* [2018] NZARLA 225, *SBS NZ Ltd v Young* [2019] NZARLA 175, *Dragon Community Trust Ltd v Secretary for Internal Affairs* [2025] NZHC 507 at [88], [98] and [99].

²³ Secretary submissions at [38] citing *Dragon Community Trust Ltd v Secretary for Internal Affairs* [2025] NZHC 507 at [35].

36. The present circumstances resemble those in the Commission’s decisions concerning The Awesome Farmer²⁴ and Edinburgh Castle.²⁵ In The Awesome Farmer decision, the licence was refused in part because the application described “tavern” as the venue’s primary use but it no longer held an alcohol licence. The Commission held that one cannot operate a “tavern” without an alcohol licence²⁶ and there was no evidence of an alternative use to establish that the main use was not gambling. Although another alcohol on-licence for The Awesome Farmer had been sought, in a decision on a judicial review application challenging the Commission’s decision confirming the Secretary’s refusal to grant a class 4 venue licence, the High Court noted that where the on-licence application was opposed (as it was in this case), there was a real risk that it might not be granted.²⁷
37. Similarly, in the Edinburgh Castle decision, the class 4 venue licence had been cancelled on the basis that the venue had lost its alcohol licence and, in its absence, the Secretary was not satisfied that the venue was not used mainly for operating gaming machines. By way of comparison, the Edinburgh Castle application had provided more extensive evidence of other potential activities, there was more room to conduct other activities and the gaming room occupied a smaller portion of the venue, compared to the present case where the Venue is a single room.
38. In the *Dragon Community Trust* judicial review decision, the High Court noted that the operators of premises for most class 4 venue licences have an alcohol on-licence, the existence of which provides a basis to be satisfied that a venue would not be used mainly for gambling.²⁸ Prior to the evidence lodged by NZ Global in the present appeal, no information about alternative activities had been provided.
39. The Secretary had since considered the new information, applying the approach taken by the Commission in assessing main use in its Edinburgh Castle decision. “Used mainly” concerns how the venue is used “for the most part” or “in the main”; the assessment is to be made in respect of the whole venue, not just the part used for operating gaming machines, considering a number of factors, with no single factor being determinative; “used mainly” differs from primary activity because, while the primary activity will be the

²⁴ Decision GC07/24.

²⁵ Decision GC13/25.

²⁶ Decision GC07/24 at 57.

²⁷ Secretary submissions at [41] citing *Dragon Community Trust Ltd v Secretary for Internal Affairs* [2025] NZHC 507 at [38].

²⁸ Secretary submissions at [44] citing *Dragon Community Trust Ltd v Secretary for Internal Affairs* [2025] NZHC 507 at [36].

leading activity, it may not necessarily constitute the main use if there are more than two activities.²⁹

40. NZ Global had disclosed that it had made changes to the Venue, including removal of the partition shown on the Venue floor plan. It was accordingly unclear both when the change occurred and whether the photos provided in the class 4 venue licence application were accurate. A consequence of the partition removal is that the whole premises now constitutes a gaming area, such that there could potentially be a breach of r 5 of the Regulations if the ATM remained in the same area. The change also requires an assessment of whether the gambling machines would be visible from outside the venue, in potential breach of r 5A. Because of the location of the Venue and the fact that it is not open, the DIA advised that it would need at least a month to organise an inspection of the altered premises, if the Commission considered that to be desirable.
41. The affidavit of Jared Rawiri in support of NZ Global's appeal stated that the Venue would also provide conversational space, darts, pool table and competitions, card evenings and gaming machines. Rule 4 of the Regulations requires a class 4 venue to have a primary activity that is focussed on persons 18 years and over. While the Secretary accepted that darts and pool could be an appropriate primary activity aimed at persons over 18 years, the evidence does not establish that they would actually be the main use of the Venue. Given the limited nature of alternative activities, it is likely that the gaming machine operation would be the main use.³⁰ There is limited space for any other activities.
42. The Palmerston North DLC decision recorded that the in-house menu was reheated frozen meals and snack food. There also appeared to be minimal alternative revenue streams. While NZ Global suggested that card games could be used to generate revenue, doing so would constitute class 2 gambling which must be run by a corporate society in accordance with the provisions of the Act.
43. If the Commission were to make a different assessment of satisfaction about the main use, the Secretary submitted that, rather than reversing the decision and granting a class 4 venue licence, the application should be referred back to the Secretary to inspect the altered premises and reach conclusions about the matters raised above.

²⁹ Secretary submissions at [47].

³⁰ Secretary submissions at [54] and [56] where the Palmerston North District Licencing Committee found that the primary use of the venue appears to be a gambling venue.

NZ Global reply submissions

44. NZ Global observed that the application was made by NZCT, so the contents of the application were not entirely within its control and argued that, because the Venue had been the subject of a class 4 venue licence for more than two decades, the application was more akin to an application for renewal than a grant. The distinction sought to be made by NZ Global is not accepted by the Commission.
45. NZ Global criticised the Secretary's submission that the easiest way to demonstrate an acceptable main use is through an alcohol on-licence, claiming that the appendices to the Secretary's submissions do not adequately support his view because they are only guidance materials and neither the check list, nor the Gambits guidance (mentioned in submissions), refer to holding or providing an alcohol licence.
46. NZ Global argued that the Venue is distinguishable from The Awesome Farmer, the venue in the *Dragon Community Trust* decision. NZ Global said that, with respect to The Awesome Farmer:³¹
- (a) The applicant did not offer alternative uses.
 - (b) The applicant's application for an alcohol licence was not delayed because of matters outside of its control.
 - (c) The venue had once held an alcohol licence but had lost it because of non-compliance by the applicant with its statutory obligations.
 - (d) The application in question was a second application for an alcohol licence (not an appeal), which followed a refusal of an earlier application for an alcohol on-licence.
 - (e) The original applicant remained the proprietor of the venue but substituted another person as the new class 4 venue licence applicant. The other person had no experience of running a tavern.
 - (f) The delays with respect to securing an alcohol licence were neither unforeseen nor beyond the control of the applicant.
47. NZ Global submitted that the Secretary's comments about other issues with the Venue are speculative, such that neither further due diligence nor a site inspection should be required. NZ Global claimed to have described the Venue sufficiently clearly and there is

³¹ NZ Global reply submissions at [22] citing Decision GC07/24 at 61 and 62 and *Dragon Community Trust Ltd v Secretary of Internal Affairs* [2025] NZHC 507 at [45] and [46].

no express legal requirement for a site inspection. NZ Global submitted that there was sufficient information before the Commission for it to grant a class 4 venue licence.

Use of conditions

NZ Global submissions

48. NZ Global submitted that section 70(1)(i) allows conditions to be imposed to prevent class 4 gambling being conducted at the Venue unless the primary activity of the venue is offered and available at the time. Section 70(2)(i) allows for additional bespoke conditions to be added to a licence. It argued that the condition provisions should be read and applied in light of section 3(d) that sets out a purpose to “facilitate responsible gambling”. The purpose of NZ Global’s “condition” submission appeared to be to provide an alternative path to obtaining the grant of a class 4 venue licence, in the event of a lack of satisfaction about the Venue’s main use.
49. NZ Global submitted that its proposal to impose a condition that prevented the operation of gambling until the alcohol on-licence was granted was wrongly rejected by the Secretary.

Secretary’s submissions

50. The type of condition that NZ Global proposed was considered in *Feed Families Not Pokies Aotearoa Incorporated v Secretary for Internal Affairs*³² and the Commission’s decision regarding The Awesome Farmer which was the subject of a subsequent judicial review in the High Court in *Dragon Community Trust*.
51. Reference was made to a passage in the *Feed Families* decision, suggesting that granting a venue licence subject to a condition that class 4 gambling is not conducted unless the primary activity of the venue is offered and available is an option available to the Secretary under section 70(1)(i) and an alcohol licence can be a condition of a venue licence.³³ However, the Commission observes that the passage referred to is found in the Court’s summary of an argument advanced by the plaintiff concerning restrictions on the Secretary’s power to agree to an extended period of no gambling, which argument the Court ultimately rejected, without reference to that part of the argument advanced.³⁴

³² [2024] NZHC 3719

³³ *Feed Families not Pokies Aotearoa Inc v Secretary for Internal Affairs* [2024] NZHC 3719 at [81] - [82].

³⁴ *Feed Families not Pokies Aotearoa Inc v Secretary for Internal Affairs* [2024] NZHC 3719 at [83].

52. In *Dragon Community Trust*, the High Court held that it would be contrary to the purpose of controlling the growth of gambling for the Commission to grant a class 4 venue licence that would likely have to be surrendered after four weeks of inactivity.³⁵
53. The Secretary acknowledged that some delay in hearing the alcohol on-licence application had been outside of the control of NZ Global, but noted that NZ Global was nevertheless required to demonstrate, when seeking such a condition, that an alcohol on-licence was likely to be granted before the expiry of the four week inactivity period under section 71(1)(g) requiring surrender of the class 4 venue licence. Otherwise, it would be inappropriate to grant a class 4 venue licence only for it to provide temporary artificial preservation of a licence followed by its surrender. Doing so to restart the clock for the date requiring territorial authority consent would have the effect of subverting Parliament's clear intention in enacting section 98(b).
54. When requests to impose such a condition were made to the Secretary on 14 November 2024 and 16 January 2025, the alcohol on-licence application for the Venue had been opposed, including by the Police, the Medical Officer of Health and the Licensing Inspector, such that NZ Global could have had no reasonable expectation that it would be granted.
55. In *Dragon Community Trust*, the High Court held that failure to satisfy section 67(1)(k) cannot be cured by granting a licence subject to a condition under section 70(1)(i), saying that it would be "contrary to the purposes of the Act if the Secretary could grant a gambling licence that would be ineffective for an unspecified amount of time".³⁵ The Secretary argued that the facts of the present case are materially indistinguishable from those in the *Dragon Community Trust* decision, where the High Court accepted the Secretary's submission that a condition of the type requested by NZ Global would be *ultra vires* if fulfilment of the condition were uncertain.

NZ Global reply submissions

56. For NZ Global, it was submitted that decision makers cannot presume to know Parliament's intention and must instead be guided by the plain and ordinary meaning of the words used, viewed through a lens of applicable legal doctrines. On that basis, Parliament should be taken to have intended to provide for the possibility of restarting the clock, or at least chose not to prohibit it.

³⁵ Secretary submissions at [64] citing *Dragon Community Trust Ltd v Secretary for Internal Affairs* [2025] NZHC 507 at [62].

57. The reply submission suggested that the High Court's decision in *Dragon Community Trust* went further than the stated purpose of the Act and unlawfully departed from the natural meaning of the words used. Parliament expressly provided the power to grant a condition which met the purpose of section 3(d). As section 70 is intended to provide flexibility to ensure compliance with the Act, the focus should be on flexibility and ensuring compliance and responsible gambling through tailored licence conditions rather than blanket prohibitions.
58. It submitted that, in deciding whether to grant a class 4 venue licence subject to a proposed restrictive condition, the Secretary should not have been concerned about the likelihood that the class 4 venue licence may have to be surrendered within four weeks of grant if no gaming occurred.

Territorial Consent

NZ Global submissions

59. NZ Global raised the local sinking lid policy for consents to grant a class 4 venue licence. On the asserted (but, as the Commission has already indicated, incorrect) basis that the Venue had an existing class 4 venue licence, it argued that its expiry without renewal would leave the Venue subject to the sinking lid policy and unlikely to be granted a new class 4 venue licence. It sought an outcome on the appeal which avoided that result, namely the issue of a class 4 venue licence.

Secretary's submissions

60. The Secretary submitted that NZ Global was using the appeal process in an endeavour to preserve the original date of the class 4 venue licence application which had been refused, because section 98(b) requires territorial consent if a corporate society applied for a new class 4 venue licence when a class 4 venue licence had not been held by any corporate society for the venue within the last six months.
61. The sinking lid policy is not something to be avoided artificially because the intended effect of section 98(b) is to empower community involvement in decisions about provision of gambling. The Commission has previously said as much in the *Matata Hotel* decision in 2021.³⁶ The High Court, in the first *Feed Families* declaratory judgment, held that minor venue relocations could not be made without triggering the requirement for territorial consent as to do otherwise would undermine the intended effect of section 98(b).³⁷ As

³⁶ Secretary submissions at [24] citing decision GC03/21.

³⁷ Secretary submissions at [25] citing *Feed Families not Pokies Aotearoa Inc v Secretary for Internal Affairs* [2024] NZHC 217.

the class 4 venue licence for the Venue was surrendered on 26 July 2024, any application for a new licence made after 26 January 2025 requires territorial authority consent.

NZ Global reply submissions

62. NZ Global argued that no decision explicitly states that the six month period under section 98(b) is paused or extended because the application was lodged within the six month period but not yet decided. It pointed to the High Court decision in *Air Rescue Services Ltd v Secretary for Internal Affairs*³⁸ in which the Court accepted, on a plain reading of the Act, that the existence of a licence, even for a single day within the six month period would restart the clock. The Court in that decision accepted that the status quo favoured the plaintiff to protect a grandparented right to operate 18 gaming machines until the appeal to the Commission had been heard and a decision given. As is clear from the reference to gaming machine numbers, the decision referred to was concerned with preservation of the period under section 92, not that under section 98.
63. NZ Global referred to other decisions relating to the preservation of rights granted under section 92 to operate more than 9 gambling machines, including *First Sovereign Trust & Anor v The Secretary for Internal Affairs*³⁹ and *Grassroots Trust v Secretary for Internal Affairs*.⁴⁰ Those decisions concerned the ability of the Secretary and the Commission to backdate the start date of a class 4 venue licence so as to avoid expiry of the section 92 period in appropriate cases. NZ Global submitted that the likely outcome of the on-licence application appeal should not be assumed to be unfavourable; a neutral assumption should be made and steps taken to preserve the section 98(b) period.

Discussion

Main use

64. The application for a class 4 venue licence for the Venue was refused by the Secretary because he was not satisfied that the Venue would not be used mainly for the operation of gaming machines. The application before the Secretary had nominated the main use of the premises as a tavern. The Applicant advised the Secretary of the fact that an application for an alcohol on-licence had been lodged and was awaiting hearing. The on-licence application hearing was unusually delayed but the Secretary delayed dealing with the class 4 venue licence application until the result of the DLC decision on the on-licence was known. The refusal of the class 4 venue licence application followed advice that the alcohol on-licence application had been refused by the DLC, following opposition by the

³⁸ High Court October 08, 2010 HC Wellington CIV-2010-485-1919, 8 October 2010 WL 3938685.

³⁹ HC Wellington CIV 2005-484-512, 22 March 2005.

⁴⁰ High Court January 19, 2011 HC Wellington CIV-2011-485-13 WL 198456.

statutory reporting authorities (Police, Medical Officer of Health and the Licensing Inspector). The Venue did not qualify under the provisions of the SSA Act for a temporary authority to sell alcohol.

65. In circumstances where the refusal of the class 4 venue licence application occurred only after the alcohol on-licence application had been refused, the delay experienced between the on-licence application, its hearing and the release of the DLC decision strikes the Commission as immaterial to the central issue, namely the Secretary's assessment of how the Venue is "mainly used". The Secretary's finding that he was not satisfied as to the main use was based on the refusal of the alcohol on-licence application, not from any prior delay. Until that refusal occurred, the Applicant had enjoyed the benefit that time under section 98(b) was effectively stopped by lodging the class 4 venue licence application. The problem that it now faces with section 98 arises from the subsequent refusal of the class 4 venue licence application by the Secretary, after the alcohol on-licence application had been refused. The Commission's consideration of the central matter in issue on appeal is similarly unaffected by the passage of time prior to the DLC decision.
66. It was suggested for NZ Global that, rather than proceed to determine the class 4 venue licence application for the Venue following advice that the on-licence application had been refused, the Secretary ought to have suspended or put on hold the class 4 venue licence application, because of advice that the DLC decision had been appealed. In the circumstances, the Commission considers that the Secretary was correct to delay making a decision on the class 4 venue licence application until the result of the DLC decision was known, but the Commission does not consider that, in the particular circumstances, the application should have remained undetermined pending the result of an appeal against the DLC decision. The submission that the class 4 venue licence application should have been suspended or put on hold appears to have been made solely to protect the Applicant and NZ Global from the intended consequence of section 98, a matter separately addressed below, rather than genuine prospects of success on appeal.
67. It is correct that the definition of "tavern" in the SSA Act includes intended use, however, that observation has no material effect on the matter that the Secretary had to determine (or on the central issue of the appeal), namely whether there is satisfaction that the Venue would not be used mainly for operation of gambling machines. In the circumstances before the Secretary, namely that the Venue's main use nominated in the application was not possible because of the refusal of the alcohol on-licence, the decision to refuse the class 4 venue licence application was inevitable having regard to the statutory obligation under section 67(1) to refuse to grant the class 4 venue licence if not satisfied on all

grounds. Satisfaction with section 67(1)(k) requires the actual availability of an acceptable main use, not merely an intention regarding that use in the future.

68. NZ Global correctly observed that there is no express statutory obligation to hold an alcohol on-licence to obtain a class 4 venue licence but, in the view of the Commission, the absence of one is relevant when the nominated main use is as a tavern. The relevance of a venue's main use being listed as a "tavern" without it holding an alcohol on-licence was addressed by the High Court in *Dragon Community Trust Ltd v Secretary of Internal Affairs* as follows:⁴¹

...it is not a legal requirement to hold a liquor licence to operate gaming machines. However, the vast majority of gambling licence-holders will also have an alcohol licence. Therefore, the existence of an alcohol licence provides effective evidence that a venue would not be used mainly for gaming machines.

69. The High Court went on to comment about the potential effect of the lack of an alcohol licence as follows:⁴²

I consider that the Commission did not err in its decision that it could not be satisfied that the venue would not be used mainly for gaming machines. At the time of DCT's application, DCT did not hold an alcohol licence, although one had been applied for, there was no certainty as to when or even if it would be granted. It was an opposed application so there was a real risk it might not be granted.

70. On appeal, the Commission is required to make its own assessment, on the information before it, about the main use of the Venue, specifically whether it is satisfied that its main use is not the operation of gaming machines, under section 67(1)(k). In that regard, criticism of the approach taken to the Secretary's assessment of satisfaction about main use (such as the use of checklists and guidance materials) is of limited impact unless it results in a different assessment by the Commission. Like the Secretary at first instance, the Commission on appeal is obliged to refuse to grant a class 4 venue licence unless satisfied of each of the mandatory grounds. The practical burden of providing sufficient material to achieve that satisfaction falls on the Applicant (or NZ Global on the appeal). The information before the Commission about the use of the Venue is more extensive than that before the Secretary, such that NZ Global submitted that it was sufficient for the Commission to be satisfied regarding the ground specified in section 67(1)(k), despite the lack of an alcohol on-licence.
71. NZ Global is correct that the Act neither contains a definition of "used mainly" nor specific directions about its assessment but the Commission set out in detail its considered views about the meaning of the term and how assessment of main use should be approached

⁴¹ *Dragon Community Trust Ltd v Secretary of Internal Affairs* [2025] NZHC at [36].

⁴² Above n at [38].

in its recent Edinburgh Castle decision.⁴³ The Commission approved prior statements of principle from the *Woodstock Tavern* appeal⁴⁴ and the *Galaxy Function Centre* appeal⁴⁵ as follows:

- (a) “Used mainly” in section 67(1)(k) (and logically for section 69A(e) as well) concerns how the class 4 venue is used “for the most part” or “in the main”. It addresses what in fact occurs, not what could potentially occur. The assessment is to be made in respect of the whole venue, not just the part used for operating gaming machines.⁴⁶
- (b) It is a matter of overall assessment and impression. There are a number of factors that can be considered to assess use; no single factor is individually determinative of whether a venue is used mainly for operating gaming machines.⁴⁷
- (c) While there can be a correlation between use and revenue, the relationship is not necessarily absolute and proportional. It would be unsound to treat revenue as the sole indicator of use. A multidimensional test is required.⁴⁸
- (d) “Used mainly” is not necessarily the same as “primary activity”. While both concern relativity of use or activity, the test is different; primary activity is the leading activity but may not necessarily be the main use, if there are more than two activities.⁴⁹

In the latter regard, the Edinburgh Castle decision was not solely concerned with main use; it was also concerned with suitability of premises under section 67(1)(q), in particular the nature of the “primary activity” under Regulation 4(a) of the Regulations. Suitability of premises was not raised by the Secretary in the decision currently under appeal.

72. The Commission must make an assessment as a matter of overall impression, rather than applying a fixed checklist of the likely actual, rather than potential, use of the Venue. Such assessment can include a number of matters such as “the relative floor area, the prominence of the gaming machines, the promotion and extent of other activities, the

⁴³ Decision GC13/25, [52].

⁴⁴ Decision GC22/06.

⁴⁵ Decision GC25/12.

⁴⁶ Decision GC22/06 at [24] and GC25/12 at [14].

⁴⁷ Decision GC22/06 at [27].

⁴⁸ Decision GC22/06 at [35].

⁴⁹ Decisions GC22/06 at [26] and GC25/12 at [14].

venue's revenue streams and the number of activities offered for public participation",⁵⁰ with no one matter being individually determinative.

73. The Commission has considered, in the absence of an alcohol on-licence, the alternative activities outlined in the affidavit of Mr Rawiri, such as conversational space, darts, pool table play and competitions, card evenings, bingo, karaoke sessions on Tuesdays to Fridays, live music, private function hire and provision of food and non-alcoholic beverages, alongside the gaming machines installed within a relatively small premises. The main use assessment is concerned with what is likely to occur rather than what is available.
74. In the Commission's view, the Venue is likely to be used mainly for the operation of gaming machines. The information before it compares unfavourably to that before the Commission in the Edinburgh Castle decision where far less of the premises were devoted to the operation of gaming machines, rather more alternative activities were available, and detailed evidence was provided of revenue sources and usage patterns. The Commission considers that the Venue presented a weaker case that it satisfies the requirement of section 67(1)(k) than the Edinburgh Castle, which had failed to satisfy the Commission that it was not used mainly for operating gambling machines.
75. In the case of the Venue, gaming machines would be a very substantial and prominent feature of the premises as a whole and revenue from their operation would likely dwarf revenue from all other proposed activities. The Commission sees little likelihood that members of the public would engage in the alternative activities more than they would engage in the use of gaming machines. It is not satisfied that the Venue would not be used mainly for operating gaming machines if a class 4 venue licence were granted.

Use of conditions and section 98(b)

76. The Commission then turned to consider the alternative ground that it would be appropriate, in all the circumstances, to issue a class 4 venue licence in respect of the Venue subject to a condition that the Venue must not operate without an alcohol licence ("**Condition**"). In doing so, it had regard to the effect of doing so on the operation of sections 98(b) and 67(1)(f). The former requires territorial authority consent for a class 4 venue licence if no class 4 venue licence was held within the last 6 months at the time of the class 4 venue licence application and the latter requires the Secretary to refuse a class 4 venue licence application if the required consent is not provided.

⁵⁰ Decision GC13/25 at [13].

77. It is common ground that that the Palmerston North City Council has an established sinking lid policy of declining to consent to any class 4 venue licence application. As such, unless the application under appeal were granted (as it was made prior to section 98(b) being engaged), any subsequent class 4 venue licence application for the Venue is likely to be refused for the lack of the necessary territorial authority consent. The Condition was clearly proposed in order to avoid that consequence.
78. The first question is whether the Commission has the power to grant a licence with the Condition in the present circumstances. The Commission recognises that there is express statutory power, under section 70(1)(i), to include licence conditions to prevent class 4 gambling being conducted unless the approved primary activity is offered and available and, under section 70(2)(i), to impose other conditions aimed at ensuring compliance with the Act.

Dragon Community Trust decision

79. The difficulty, however, with the proposed course of action is that a condition similar to that proposed by NZ Global was considered, initially by the Commission and subsequently by the High Court, in *Dragon Community Trust*. In those decisions the applicant had requested that, if section 67(1)(k) were not satisfied, a licence should nonetheless be granted with a condition that class 4 gambling may not be conducted at the venue unless the primary activity of the venue is offered.⁵¹ At the time, no alcohol on-licence was held in respect of the venue, the intended main use of which was a tavern, and it was unclear whether or when such a licence might be granted because it was opposed. In its decision, the High Court made the following observations:
- (a) The purpose of the Act in this case is to control the growth of gambling and authorise some gambling and prohibit the rest. These factors indicate Parliament's cautious approach to the grant of gambling licences.⁵²
 - (b) The Act provides a specific framework governing gambling activity and the grant of licences. While other contexts are not generally helpful, the alcohol licensing scheme provides some assistance in deciding whether a condition can be granted to a gambling licence to cure non-compliance with the Act. It is established in that context that non-compliance with an object of the SSA Act cannot be cured by conditions and undertakings.⁵³

⁵¹ *Dragon Community Trust Ltd v Secretary of Internal Affairs* [2025] NZHC at [42].

⁵² Above n at [43].

⁵³ Above n at [44].

(c) Non-compliance with section 67(1)(k) similarly cannot be cured by a section 70(1)(i) condition. It would be contrary to the purpose of the Act to grant a gambling licence which would be ineffective for an unspecified amount of time.⁵⁴

80. The Court also considered the impact of a grant of a licence in those circumstances on the operation of section 98. It considered that a condition of the type sought would have the effect of circumventing section 98. The applicant did not want to lodge a fresh application because it would need to obtain consent from the territorial authority and, because of its sinking lid policy, that was unlikely to occur.

81. The Court considered that using such a condition to grant a licence with the aim of circumventing the operation of section 98 would likely be contrary to the statutory purpose of the Act, especially the facilitation of community involvement in decisions about the provision of gambling. That form of involvement is expressly provided for in section 98. Accordingly, the Court held that the Act does not allow the Secretary or the Commission to grant a condition under section 70(1)(i) in order to address non-compliance with section 67(1)(k).⁵⁵

Application of Dragon Community Trust

82. NZ Global submitted that the *Dragon Community Trust* decision went further than the express purpose of the Act and unlawfully departed from the natural meaning of the words used. It argued that section 3(d) was the relevant statutory purpose when considering whether to grant a class 4 venue licence subject to a condition prohibiting the conduct of class 4 gambling without the notified main use being available.

83. In the Commission's view, reliance on what is said in section 3(d) requires consideration of its full context. Section 3 sets out a single statutory purpose which comprises 8 elements. In addition to the facilitation of responsible gambling in section 3(d), the statutory purpose includes authorising some gambling and prohibiting the rest (section 3(c)) and facilitation of community involvement in decisions about the provision of gambling (section 3(h)). As to the latter, in an earlier decision, the Commission has previously observed the following:⁵⁶

(h) The requirement for territorial authority consent is governed by section 98. It governs the exercise of the Secretary's licencing powers as expressly provided for in the licencing provisions, such as section 67(1)(f), which requires the Secretary to be satisfied that the territorial authority has provided a consent (if required under section 98).

⁵⁴ Above n at [45].

⁵⁵ Above n at [48].

⁵⁶ *Appeal by Pub Charity/ Matata Hotel* GC03/21 at para 10.22(h) and (i).

- (i) Regard to the statutory purpose is appropriate when construing the provisions of the Gambling Act. The Act provides a single purpose comprising 8 elements. While ensuring that money from gambling benefits the community is one element, so is facilitating community involvement in decisions about the provision of gambling. The requirement for territorial authority consent is one of the few provisions in the Act which provide for community involvement in decisions about the provision of class 4 gambling. That element of the statutory purpose does not support reading section 98 restrictively.

The Commission takes a similar view of the implied constraints on the use of section 70(1) powers to circumvent the operation of section 98(b) as it did to restrictive interpretation of the latter provision.

84. The High Court's decision in *Dragon Community Trust* supports the view that the Act precludes the grant of a class 4 venue licence with the addition of the Condition. It would generally be wrong to grant a class 4 venue licence which would be ineffective for an uncertain period of time (and which would require surrender if it remained ineffective for 4 weeks, pursuant to section 70(1)(g)) and it would be particularly wrong to do so in order to circumvent the application of section 98(b), having regard to section 3(h).
85. It was argued for NZ Global that the High Court's decision in *Dragon Community Trust* was in error, that the Secretary was wrong to have taken guidance from it and that the Commission should decide not to follow it. In two recent decisions, the Commission has been presented with similar arguments suggesting that it should not follow the most recent High Court decision.⁵⁷ In both decisions the appellants had submitted that the High Court decision was incorrect and should be disregarded,⁵⁸ but the Commission held that there was no doubt it was bound by the High Court decision and that the decision was clearly applicable.⁵⁹
86. The Commission takes the same view in the present case. It considers that it should apply the views expressed in *Dragon Community Trust* in the High Court to the present appeal. The result is that, not being satisfied that the Venue would not be used mainly for the operation of gambling machines, it is not prepared to grant a class 4 venue licence subject to the Condition in order to cure the failure of the class 4 venue licence application to meet the ground in section 67(1)(k) and avoid the future application of section 98(b).

⁵⁷ Decision GC10/24 and Decision GC11/24.

⁵⁸ Decision GC10/24 at [33] and Decision GC11/24 at [34].

⁵⁹ Decision GC10/24 at [59] and Decision GC11/24 at [66].

Decision

87. The Commission confirms the decision of the Secretary to refuse to grant a class 4 venue licence for the Venue by reason of its failure to be satisfied of the requirement imposed by section 67(1)(k).
88. If the Commission had been satisfied with the ground under section 67(1)(k), it would not have granted the class 4 venue licence but would have referred the application back to the Secretary for a premises inspection and further assessment of the other requirements of section 67(1) pursuant to section 77(4)(b).



Susan Hughes KC
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

27 May 2026

