

# CLASS 4 GAMBLING VENUES POLICY

Effective from 16 September 2015

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## Purpose

To assist in limiting the harm of problem gambling in the community.

To encourage responsible gambling practices and attitudes in Class 4 Venues.

To reduce the number of electronic gaming machines in the community over time.

To facilitate community involvement in decisions about gambling by ensuring that all communities in the Invercargill District are given the opportunity to consult with Council in a manner that is culturally appropriate.

## Definitions

- CBD** means the area defined in the map attached in Appendix 2.
- Class 4 Gambling** means any activity that involves the use of a gaming machine outside of a casino, and may be conducted only society and only to raise money for authorised purposes by a corporate
- Corporate Society** means a society that is:
- (a) incorporated under the Incorporated Societies Act 1968 or
  - (b) incorporated as a board under the Charitable Trusts Act 1957 or
  - (c) a company incorporated under the Companies Act 1993 that
    - (i) does not have the capacity or power to make a profit and
    - (ii) is incorporated and conducted solely for authorised purposes or,
  - (d) A Working Men's Club registered under the Friendly Societies and Credit Unions Act 1982.
- Corporate Societies may therefore include Clubs (RSA, sports clubs etc.), Trusts and Racing Clubs.
- Invercargill District** means all the area covered by the Invercargill Territorial Local Authority.
- New Venue** means any venue that has not held a Class 4 venue licence for six months or more or that has never held a Class 4 venue consent.
- The Council** means Invercargill City Council.

## Introduction

The Gambling Act 2003 came into force on 18 September 2003. Under Section 101 of the Act, the Council is required to adopt a policy to regulate the number and location of non-casino electronic gaming machines (Class 4), more commonly known as pokie machines. This policy is a review of Council's December 2011 policy.

- As of August 2015 the Invercargill District had 22 Class 4 gaming venues and 284 electronic gaming machines in operation. This policy caps the number of electronic gaming machines at 317.
- The Council has the ability to limit the number and location of venues and the number of electronic gaming machines. Council must have regard to the social impact of gambling in developing its policy. As required under the Act, this policy only applies to gambling venues licensed after 17 October 2001, or to venues licensed prior to this if they wish to increase the number of electronic gaming machines.
- The Gambling Act 2003 Section 3 states its purpose as follows:
  - (a) control the growth of gambling; and
  - (b) prevent and minimise harm from gambling, including problem gambling; and
  - (c) authorise some gambling and prohibit the rest; and
  - (d) facilitate responsible gambling; and
  - (e) ensure the integrity and fairness of games; and
  - (f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
  - (g) ensure that money from gambling benefits the community; and
  - (h) facilitate community involvement in decisions about the provision of gambling.

This policy contributes towards achieving those outcomes.

- This Class 4 Gambling Venues Policy covers gambling venues that are licensed to corporate societies.

## Electronic Gaming Machine (Class 4) Venues

Restrictions on venue and machine consents

- (i) The Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines under this policy.
- (ii) A gambling venue consent is for one venue (one premises) and is not transferable to another venue unless consent is obtained from the Council, except as provided for in Clause 4.2.2. The consent is given to a venue at a given address, not to a person or business.
- (iii) Once a venue ceases to operate, the machine numbers will not be allocated to any new or existing venue except as specified in clause 4.2.2 below.
- (iv) Council will not provide consent under Sections 95(1)(f) or 96(1)(e) of the Gambling Act 2003 to any application by corporate societies with Class 4 licences seeking Ministerial discretion to increase the number of gaming machines permitted at a venue except as provided in clause 4.2.2 below.

## Transfer or changes to existing venues and machine consents

- (i) If the owners of the principal business of the venue changes, the Council consent remains allocated to the venue. The new owner is not required to obtain Council consent but a new licence may be required from the Department of Internal Affairs (DIA).
- (ii) Council may consent to the transfer of a licence for an existing venue to a new venue where the venue will be operated by the same corporate society provided that the maximum number of gaming machines which can be transferred to the new venue will be nine.
- (iii) Two or more licensed Class 4 Clubs may apply to the Council for consent to merge and increase the number of gaming machines subject to a social impact study. In this case, Council consent will only permit a maximum number of 30 gaming machines to be the sum total of the number of gaming machines in any clubs that are merging with a Class 4 venue licence at the time of application.
- (iv) Any substitute venues may only be established in the CBD area of the map attached and in the zones permitted in conjunction with the District Plan. Council must also consider the location suitable taking into account the matters referred to in Section 101(4) of the Gambling Act 2003.
- (v) Council will not provide relocation consent in areas that are outside of the CBD as defined in the attached map.

## Encouraging Responsible Gambling Practices

- Two of the stated purposes of the Gambling Act 2003 are to “prevent and minimise the harm caused by gambling, including problem gambling” and to “facilitate responsible gambling”.
- Enforcement and monitoring of gambling venues is the responsibility of the Department of Internal Affairs (DIA).
- Regulations made under the Gambling Act 2003 set out:
  - What constitutes an unsuitable venue.
  - Requirements and restrictions regarding gambling machines.
  - Requirements of venues to provide information about problem gambling.
  - Requirements of venues to provide problem gambling awareness training to staff.
- Council consent for a venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4 licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented venues and cannot impose conditions subsequently on any venue which has an existing licence.
- The Council is supportive of initiatives and actions that would help to ensure there is a balanced gambling environment in the city where potential harm is managed effectively, and where those who wish to gamble can do so safely. In this regard, Council encourages responsible gambling practices as outlined in Appendix 1.
- Where Council has concerns about the operation of existing gambling venues these will be reported to the DIA. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.

The provision of information by the venues about problem gambling is required under the regulations and is a key way of promoting responsible gambling. Where Council has concerns about a venue in this regard it will be reported to the DIA.

## Procedures

- (i) All applications will incur a fee which will be prescribed by the Council pursuant to section 150 of the Local Government Act 2002.
- (ii) Council will publicly notify applications for the merger or relocation of TAB Board Venues and Class 4 Gambling Venues and allow for public submissions to be lodged and heard.
- (iii) Applications for consent by the Council must be made to the Council and include:
  - Name and contact details of the applicant.
  - Names of venue management staff.
  - Street address of premises being relocated and new proposed address.
  - Fees.

Any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

<b>Revision History:</b>	September 2007, December 2011, May 2015
<b>Effective Date:</b>	16 September 2015
<b>Review Period:</b>	Every 3 Years
<b>New Review Date:</b>	September 2018
<b>Supersedes:</b>	Gambling Venues Policy
<b>Reference Number:</b>	1312892
<b>Associated Documents / References:</b>	Gambling Act 2003, Board Venue Policy, NZ Census Index of Poverty

# Appendix 1

## Encouraging Responsible Gambling Practices

### Best Practices & Supporting Action

BEST PRACTICE	SUPPORTING ACTION
Host Responsibility and Harm Minimisation policy	<p>The applicant has in place a host responsibility and harm minimisation policy.</p> <p>The programme conforms to best practice as set out by national guidelines or standards should these become available.</p>
Staff training programme or activities	<p>The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation policy.</p> <p>The programme provides information on:</p> <ul style="list-style-type: none"> <li>▪ The potential effects of gambling on customers.</li> <li>▪ The identification of problem gambling traits.</li> <li>▪ The processes for approach, intervention and follow up for patrons with suspected problem gambling.</li> <li>▪ Identification practices for patrons appearing under 25 and actions to be followed.</li> <li>▪ Systems in place to support self barring.</li> <li>▪ Recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling.</li> <li>▪ Systems to be followed if children are left unattended in premises or nearby premises.</li> </ul>
Policy on under age access to TAB Venues	<p>The licensee must ensure that appropriate signage is in place indicating age restrictions so that this is visible, at the point(s) of entry into the gambling area.</p> <p>Policy on identification checks for patrons appearing under 25.</p> <p>Staff training on identification of patrons appearing under 25 and actions to be followed.</p>
Provision of problem gambling information	<p>The licensee must ensure that patrons have access to appropriate information on problem gambling and problem</p>

BEST PRACTICE	SUPPORTING ACTION
	<p>gambling help services and the gambling help line phone number information.</p> <p>Additional material on problem gambling and help services displayed in at least one other area within the premises.</p>
Clocks are visible in premises	The licensee ensures that clocks are visible from gambling machines and are displayed on a wall large enough to be seen from a distance.
Self barring of patrons is supported	<p>The licensee ensures that systems to support self barring and exclusion by patrons are put in place.</p> <p>There is staff training on systems to support self barring or exclusion of patrons.</p>
Children are not left unattended while gambling is undertaken	<p>The licensee will take active steps to prevent parents leaving their children unattended without adult supervision including:</p> <ul style="list-style-type: none"> <li>▪ Requiring employees to report incidents where a child had been left unattended, either inside the premises or immediately outside the premises, and</li> <li>▪ Where the child has been left unattended, the licensee will take steps to locate an adult responsible for the child. If this attempt is unsuccessful, the licensee will contact the police.</li> </ul>
Intoxicated patrons are prevented from gambling	<p>Staff training on identification of intoxicated patrons and actions to be followed if intoxicated patrons attempt to gamble.</p> <p>The licensee will take all practicable steps to ensure that no person who appears intoxicated is allowed to gamble.</p>
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