



(Draft) Class 4 Gambling Venues Policy

Effective from DD Month YYY

Introduction and Background

The Gambling Act 2003 came into force on 18 September 2003. Under Section 101 of the Act, Council is required to adopt a Policy to regulate the number and location of non-casino electronic gambling machines (Class 4), more commonly known as Pokie machines. As at 11 February 2019 the Invercargill District had seventeen Class 4 gaming venues and 247 Class 4 electronic gaming machines in operation.

As required under the Act, this policy applies only 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.

Definitions

The Act	The Gambling Act 2003.
Business 2 Zone	means the area defined in the Proposed Invercargill City District Plan and shown in the map in Appendix Two.
CBD	means the area defined in the map attached in Appendix One.
Class 4 Gambling	means any activity that involves the use of a gaming machine outside of a casino, which may be conducted only by a Corporate Society and only to raise money for authorised purposes.
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. Club has the same meaning.
Council	means Invercargill City Council.
Informed Consent	means that the owner and occupier of the sensitive premises have been fully consulted, informed of the proposal and have freely given their consent. This includes any affected person's approval that may be required as part of a resource consent.
Invercargill District	means all the area covered by the Invercargill City Council, a Territorial Authority as per the Local Government Act 2002.
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.
Sensitive Premises	includes any school, child care facility, preschool or facility providing for education or care of children or, <ul style="list-style-type: none">• any place of religious gathering or assembly or,

- any residential activity, apartments or dwellings or,
- any community facility.

Social Impact Assessment means a study assessing the impact on the Community of the relocating gambling venue. It will consider (but is not limited to):

- Socio-economic factors of the area the venue is to relocate to and
- The Community response and
- Other facilities in the area and
- Environmental impacts and
- Health and wellbeing of the community area.

Further information is available from International Association for Impact Assessment or their New Zealand branch.

Purpose of this Policy

- To assist in limiting the harm of a problem in the community.
- To encourage responsible gambling practices 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.

Scope

Section 3 of the Act sets out the Act's purpose and this is as follows:

3 Purpose

The purpose of this Act is to—

(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 is to be reviewed every three years.

Electronic Gaming Machine (Class 4) Venues

The maximum number of electronic gaming machines in operation in Invercargill is 247. Other than as provided by way of relocation of an existing venue, there shall be no new electronic gambling machine venues established within the City District.

A gambling venue consent is for one venue (one premises) and is not transferable to another venue, unless consent is obtained from Council.

Any consent given is to a venue at a given address and is not to a person or to a business.

Once a venue ceases to operate the machine numbers will not be allocated to any new or existing venue, unless by way of relocation.

Council will not provide consent pursuant to Sections 95(1)(f) or 96(1)(e) of the Act 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 by way of relocation.

Relocations, transfers of changes to venues and machines

Change of ownership of the venue: In the event that the ownership of a licenced venue changes the new owners will not be required to obtain Council consent pursuant to this policy. Council's consent remains allocated to the licensed venue. Note: the new owner may be required, however, to apply for a new licence from the Department of Internal Affairs.

Relocation: Council will only consider an application for a relocation (by default the establishment of a new venue) in the following circumstances:

If the relocation is disestablishing an existing licenced venue and the relocation is into the CBD (as defined in the District Plan and the accompanying map) or the Business 2 Zone.

There is no increase in overall number of venues as a consequence. For clarity the operator would be able to take all existing gaming machines to the new premises in the CBD/ Business 2 Zone in accordance with Section 97 of the Act.

The proposed relocation is not within 100 metres of a Sensitive Premises unless Informed consent has been obtained.

The new site is not within 100 metres of an automatic teller machine, except within the CBD.

Transfers: Transfers occur where one or more venues transfer machines to an existing venue. Council will consider an application to transfer machines where:

The transfer of machines is from one licensed person to another, and

The total number of machines on site does not exceed 9, unless the venue was established before 2001, in which case the maximum number is 18, and

The venue receiving the machines is located in the CBD/ Business 2 Zone.

The Social Impact Assessment must contemplate the increase of machines in the venue.

Merger of Licenced Club venues

Two or more licensed Class 4 clubs may apply to Council for consent to merge and increase the number of gaming machines subject to social impact study.

Where such an application is made, and consent granted, the maximum number shall not exceed either 30 gaming machines or the sum total of the number of gaming machines that **both** clubs had prior to their merger.

Factors for Council in determining an application

In determining whether to grant any of the applications referred to above, Council will consider a social impact study on the proposed premises and will also consider whether the location is suitable, taking into account matters set out in Section 101(4) of the Act.

Applications

All applications will incur a fee which is prescribed by Council pursuant to Section 150 of the Local Government Act 2002.

Council will publicly notify applications for the merger, relocation or transfer of Class 4 gambling venues and allow for public submissions to be lodged and heard.

Applications for consent must be made to Council and include:

- Name and contact details for the applicant.
- Names of venue management staff.
- Street address of premises being relocated, merged or transferred and the proposed new address.
- Payment of the fees.
- A Social Impact Assessment.
- Any other information which may be reasonably required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

OTHER ISSUES

All Class 4 venues are to adhere to the Best Practices guidelines. Appendix Three is the current best practice list and the accompanying supporting actions.

Self-excluded patrons are supported and shall be invited to bar themselves from all Class 4 venues in the City.