

Class 4 Gambling Venues Policy

Effective 1 December 2023





Class 4 Gambling Venues Policy

Introduction:

The Gambling Act 2003 (the “Act”) 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 of 1 December 2023, the Invercargill City District had 15 Class 4 gambling venues and 226 electronic gaming machines in operation.

As required under the Act, this policy applies only to gambling venues licensed on or after 17 October 2001, or to venues licensed before this if they wish to increase the number of electronic gaming machines.

Purpose:

- To assist in limiting the harms of problem gambling in the community.
- To encourage responsible gambling practices in Class 4 gambling venues.
- To reduce the number of electronic gaming machines (pokies) in the community over time.
- To facilitate community involvement in decisions on gambling by ensuring that all communities in the Invercargill City District are given the opportunity to consult with Council in a manner that is culturally appropriate.



Definition

The Act: the Gambling Act 2003.

Authorised Purposes: means

- a) a charitable purpose;
- b) a non-commercial purpose that is beneficial to the whole or a section of the community; or
- c) promoting, controlling, and conducting race meetings under the Racing Industry Act 2020, including the payment of stakes.

Central Business District or Business 1 or CBD: means the area defined in the map attached in Appendix 2.

Class 4 Gambling: means any activity that involves the use of electronic gaming machines 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 2022; 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.

Council: means Invercargill City Council.

DIA: means the Department of Internal Affairs.

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 consent.



Invercargill City 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 gambling venue licence for six months or more or that has never held a Class 4 gambling venue consent.

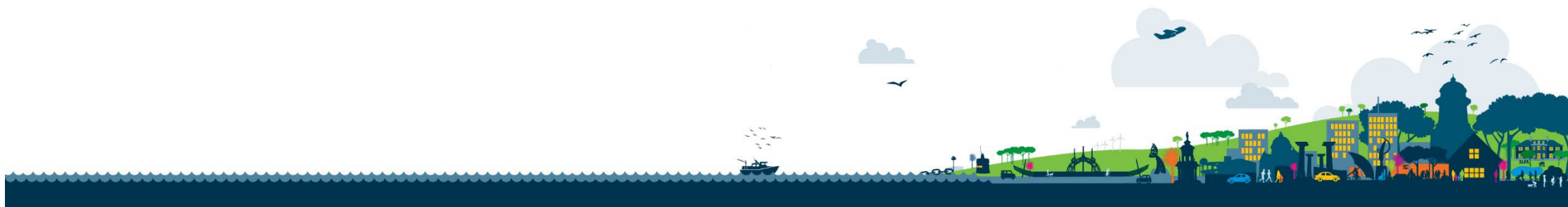
Sensitive Premises: includes any school, child care facility, preschool or facility providing for education or care of children or,

- any place of religious gathering or assembly;
- any residential activity, apartments or dwellings; or
- any community facility.

Social Impact Assessment: means a study assessing the impact on the community upon relocation, merger or transfer (of licence) of gambling venues. It will consider (but is not limited to):

- socio-economic factors of the area the venue is to relocate to;
- the Community response;
- other facilities in the area;
- 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.



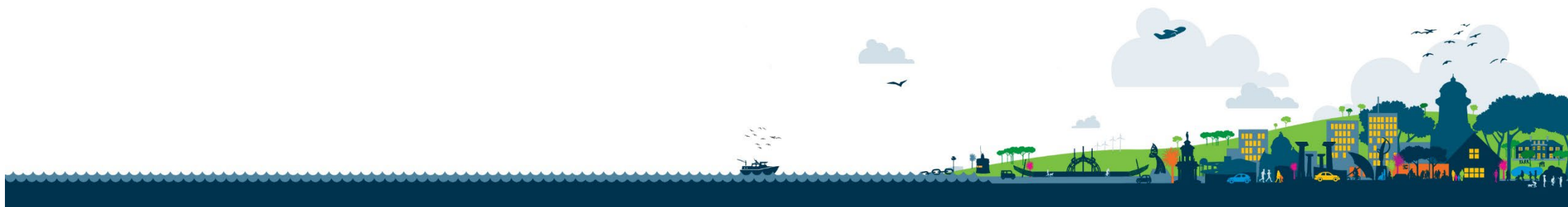
Scope

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

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 and Class 4 Gambling Venues

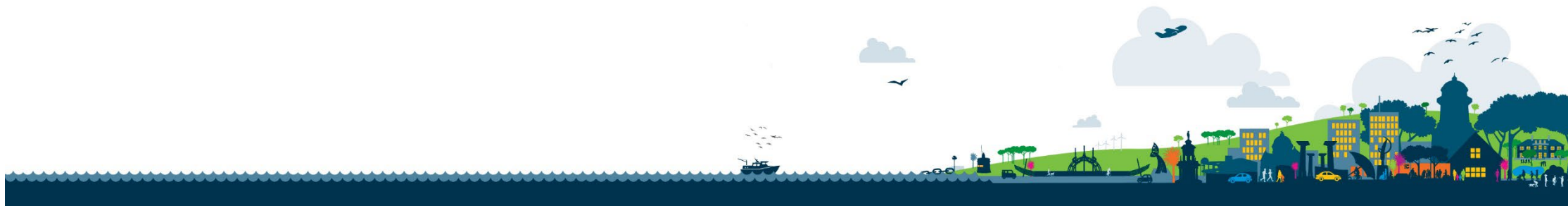
The maximum number of electronic gaming machines operated in Invercargill is 226. Other than as provided by way of relocation of an existing venue, there shall be no new Class 4 gambling venues established within the Invercargill City District. Council will not grant consent to increase electronic gaming machines in an existing Class 4 gambling venue other than by means of relocation, transfer or merger of venues.

A gambling venue consent is for one venue (one premises) and is not transferable to another venue, unless consent is obtained from Council. A consent is granted to a venue at a given address, not to a person or to a business.

It is acknowledged that in some cases moving existing electronic gaming machines from one site to another under the same ownership will not create a new venue, and that Council's consent to the transfer may not be required in those cases.

Once a Class 4 gambling venue ceases to operate the electronic gaming machines will not be allocated to any new or existing venue, unless by means 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 electronic gaming machines permitted at a venue, except by way of relocation.



Policy requirements for Class 4 gambling venues

Change of ownership: In the event that the ownership of a licensed Class 4 gambling venue changes, the new owner will not be required to obtain Council consent pursuant to this policy. Council's consent remains allocated to the licensed venue. However, the new owner may be required to apply for a new license from DIA.

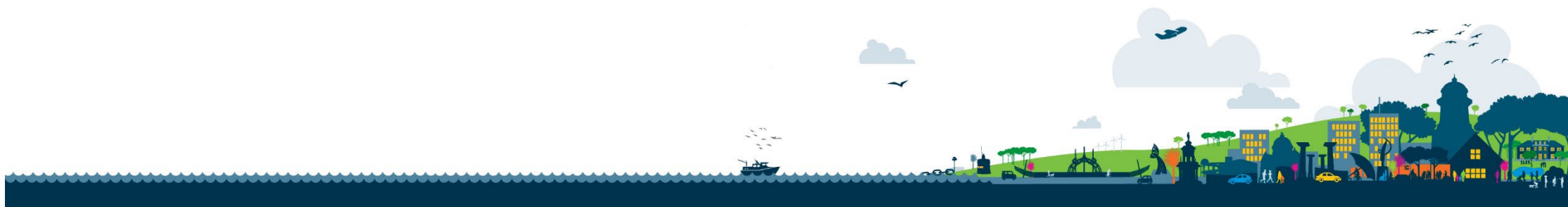
Relocation: Council will only consider an application for a relocation in the following circumstances:

- If the relocation is disestablishing an existing Class 4 gambling venue and the relocation is into the CBD (as defined in the District Plan and Appendix 2).
- If the relocation is moving from one location to another location with lower deprivation rating within the CBD.
- If the relocation is to move within the CBD to a location that is more suitable and is further away from a residential/suburban area.
- If there is no increase in the overall number of Class 4 gambling venues and electronic gaming machines in Invercargill City District as a consequence. For clarity, the operator would be able to take all existing electronic gaming machines to the new premises in the CBD in accordance with section 97 of the Act. When considering suitability of the location, Council will take into account the matters referred to in section 101 of the Act, being a Social Impact Assessment on the additional opportunities for people to engage in gambling in Invercargill City District.
- The proposed relocation is not within 100 metres of a Sensitive Premises unless Informed Consent has been obtained.
- Except within the CBD, gambling venues are not allowed within 100 meters of an automatic teller machine.

Transfers: Transfers occur when one or more Class 4 gambling venues transfer electronic gaming machines to an existing Class 4 gambling venue. Council will consider an application to transfer machines where:

- The transfer of machines is from one licensed venue to another owned by the same society, trust or any organisation;
- The total number of machines in the venue 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 (as defined in the District Plan and Appendix 2).

The Social Impact Assessment must contemplate the increase of machines in the venue. Council will not consider a transfer of machines between two licensed venues if the two venues are owned by two different societies or organisations.



Merger of Licenced Class 4 gambling venues: Two or more licensed Class 4 gambling venues may apply to Council for consent to merge and increase the number of electronic gaming machines subject to a Social Impact Assessment. Council will allow a merger if the merger location is within the CBD (as defined in the District Plan and Appendix 2).

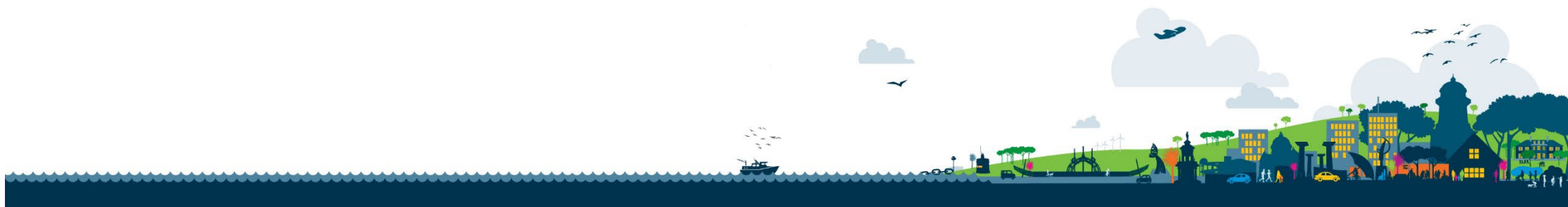
Where such an application is made, and consent is granted, the maximum number of electronic gaming machines shall not exceed either 30 gaming machines or the sum total of the number of gaming machines that both venues had prior to the merger.

Monitoring and Review: Primary monitoring responsibilities for gambling activities lie with the DIA. Council encourages licenced venues to adopt a best practice code of conduct (Appendix 1) pursuant to DIA's Gambling Harm Prevention and Minimisation Guidelines. Council will invite licensees to submit evidence of action taken to comply with the best practice code of conduct as part of the monitoring and review process.

Council's Request For Service (RFS) function on gambling will allow the public to report any potential breaches of the best practice code of conduct to Council. Council will forward the RFS details to the appropriate enforcement agency.

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 Assessment on the proposed premises and will also consider whether the location is suitable, taking into account the matters set out in section 101(4) of the Act.



Procedure - Applications

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

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

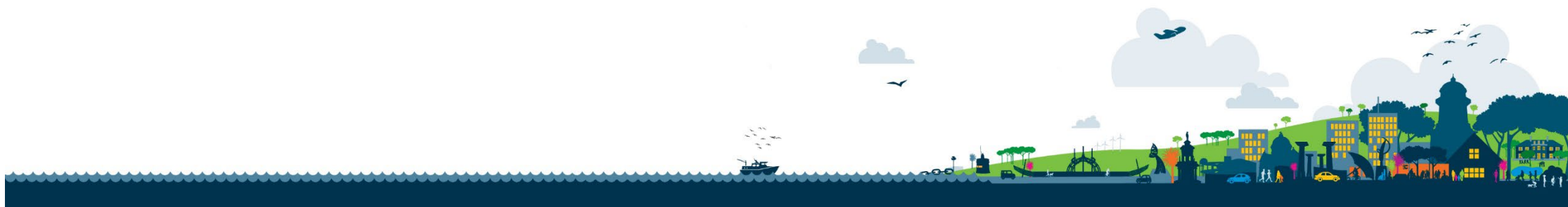
Applications for consent must be made to Council and include:

- name and contact details for the applicant;
- names of venue management staff;
- street address of premises being transferred, relocated or merged and the proposed new address;
- payment of the fee;
- a Social Impact Assessment; and
- 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 gambling venues are encouraged to adhere to the best practice code of conduct (Appendix 1). Further information will be displayed on the ICC website to ensure that they are always up to date. Information relating to Gambling Help and support services will also be provided there and updated regularly.

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



Revision History:	September 2007, December 2011, May 2015, April 2020
Effective Date:	1 December 2023
Review Period:	This policy will be reviewed every three (3) years unless earlier review is required due to legislative change, or is warranted by another reason requested by council.
New Review Date:	2026
Associated Documents / References:	Gambling Act 2003, Board (TAB) Venue Policy, NZ Census Index of Poverty
Supersedes:	N/A
Reference Number:	A5006294
Policy Owner:	Manager - Environmental Services

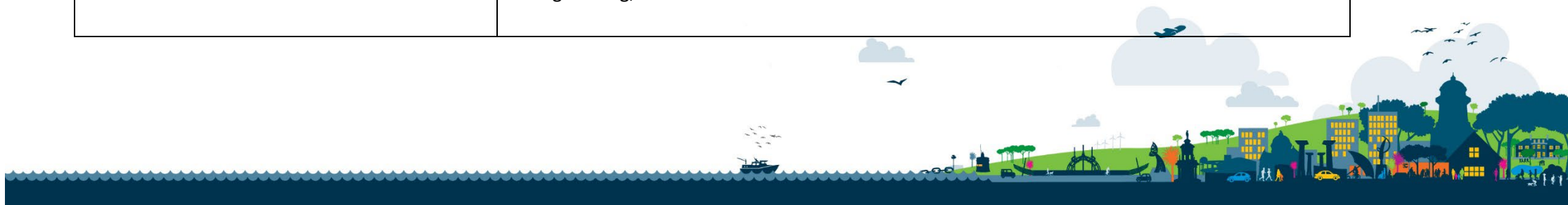


Appendix 1

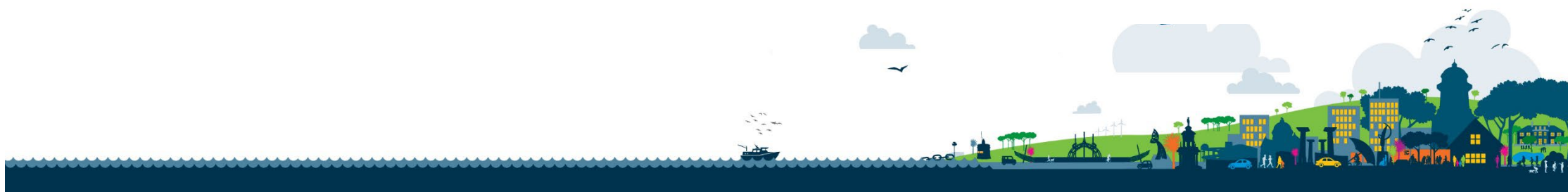
The best practice code of conduct will not be assessed as part of venue consent. It is a voluntary code of conduct developed to promote and reaffirm the mandatory host responsibilities practiced within licensed venues. This supplementary harm minimisation tool will inform the public of the different harm minimisation measures practised in licensed gambling venues.

This code of conduct will help Council to assess the social impacts of gambling within gambling venues and for the Invercargill City District. Council's Requests For Service (RFS) on gambling will support this code of conduct and will allow the public to report any potential breach of the host's responsibilities on gambling harm minimisation. The table below sets out the relevant criteria and supporting actions that form the code of conduct.

Best Practice Criteria	Supporting Action
Host responsibility and gambling harm minimisation and prevention guidelines	<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>
Mandatory staff training programme or activities	<p>The applicant demonstrates that all staff and management are familiar with its host responsibility and gambling harm minimisation and prevention responsibilities and receive problem gambling awareness training. The training provides information on:</p> <ul style="list-style-type: none"> • the potential effects of gambling on customers; • the identification of problem gambling traits; • the processes for approach, intervention and follow up for patrons with suspected problem gambling; • identification practices for patrons appearing under 25 and actions to be followed; • recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling;



	<ul style="list-style-type: none"> • first-hand accounts (which may be pre-recorded) from people who have experienced or been affected by harm; • systems to be followed if children are left unattended on premises or nearby premises; • local and national problem gambling services and other organisations that can provide support to people affected by harmful gambling; and • the procedure for self-exclusion and venue-initiated exclusion, including when it is appropriate for the venue manager or a person acting on their behalf to consider excluding a patron. <p>Training must also provide guidance on conducting gambling sweeps and maintaining records in compliance with the Privacy Act 2020.</p>
Policy on underage access to gambling machines	<p>The venue manager must ensure that appropriate signage is in place indicating age restrictions so that this is visible at every gambling machine and 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>
Display of problem gambling information	<p>The venue manager must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services.</p> <p>Gambling helpline number information is placed on or near all gambling machines.</p> <p>Additional material on problem gambling and help services are displayed in at least one other area within the premises, situated near gambling machines.</p>



Clocks are visible in premise	The venue manager ensures that clocks are visible from the other side of the room from gambling machines.
There is good visibility where gambling machines are located	Natural or artificial light illuminates the area where gambling machines are located at all times when machines are in operation.
Self-exclusion, venues intended exclusion and multi venues exclusion.	<p>The venue manager and staff ensure that systems to support problem gamblers through appropriate exclusion processes are put in place.</p> <p>Managers and staff training on systems to support appropriate exclusion of problem gamblers in accordance to the exclusion order (problem gambling) guidelines.</p>
Children are not left unattended while gambling is undertaken	<p>The venue manager will take active steps to prevent parents leaving their children unattended without adult supervision, including:</p> <ul style="list-style-type: none"> • requiring employees to report incidents where a child has been left unattended, either inside the premises or immediately outside the premises; and • where a 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.
Intoxicated patrons are prevented from gambling	<p>Staff training is provided on identification of intoxicated patrons and actions to be followed if intoxicated patrons attempt to gamble.</p> <p>The venue manager takes all practicable steps to ensure that no person who appears to be intoxicated is allowed to gamble.</p> <p>It is an offence if a licensee or a venue manager of any alcohol-licenced premises allows an intoxicated patron to remain in the licenced premises under section 252 of the Sale and Supply of Alcohol Act 2012.</p>

