

Class 4 Gambling and NZ Racing Board Venue Policy



CLASS 4 GAMING VENUE POLICY

1 Introduction:

Under the Gambling Act 2003, pubs and clubs are covered by Class 4 licensing provisions. An operator wanting to establish a new venue or to increase the number of machines that may be operated at an existing venue must gain consent from the territorial authority. Council consent is required as the first stage of the process to gain a Class 4 Venue licence from the Department of Internal Affairs.

2 Objectives of this Policy:

- to ensure the council and the community has influence over the location of new Class 4 Gambling Venues within the city;
- to allow the community to have access to gambling venues for entertainment purposes and to benefit from the proceeds;
- to recognise the issue of problem gambling and take appropriate steps to reduce it, particularly through the facilitation of responsible gambling;
- to manage the growth of gaming machines within the district; and
- to encourage clarity regarding the past distribution of gambling funds.

3 Where and How Class 4 Gambling Venues may be established:

Section 101(4) of the Gambling Act 2003 notes that a territorial authority may have regard to any relevant matters, including the following, when determining its Gambling Venues Policy:

- a the characteristics of the district and parts of the district;
- b the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
- c the cumulative effects of additional opportunities for gambling in the district;
- d how close any venue should be permitted to be to any other venue;
- e what the primary activity at any venue should be.

Gambling venues may be established within Upper Hutt City business commercial zones¹, subject to:

- it being a Racing Board Venue² or a venue at which the primary activity of the venue is for sporting or recreational activities within a licensed chartered club; or for the sale of liquor, or for food and liquor, in premises which have an "on" licence for a bar, hotel or tavern (excluding premises that are cafes and restaurants);
- machines being in a separate location from family activities;
- games rooms being well lit, preferably by natural light, and having clocks within easy view of machines;
- provision of details on the staff training programme, particularly related to problem gambling;
- provision of details outlining the policies and programmes in place for the distribution of funds;

¹ As set out within the Upper Hutt City District Plan.

² As determined by the Racing Act 2003.

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- Trust/Corporate Society application forms being clearly accessible to the public (keeping in mind that children are not permitted to enter gaming rooms);
- meeting application and fee requirements;
- gaming machines must not be visible from the footpath, street, road or highway; and
- all gambling venue advertising signs must comply with the Upper Hutt City Council - Control of Advertising Signs Bylaw 2005³.

In addition, council will take into consideration the proximity of any new or relocating venue to an existing Class 4 Gambling or Racing Board Venue;

Establishment of a Class 4 Gambling Venue that is subject to the above consideration will be at the discretion of council.

NB: Part 2, Section 113 of the Gambling Act 2003, notes that key persons must not be involved in certain activities or decisions pertaining to the distribution of net proceeds from Class 4 Gambling venues, i.e. bar staff and/or patrons must not influence the way gambling proceeds are allocated.⁴

4 Numbers of gambling machines to be allowed:

- Venues that did not hold a licence on 17 October 2001 are restricted to a maximum of 9 gaming machines.
- Venues that have been without a licence for 6 months or more are restricted to 9 gaming machines.
- Venues that held a licence on 17 October 2001 and that have not been without a licence for 6 months or more may apply to increase the number of machines operated at a venue, up to a maximum of 18;
- Ministerial approval is required if a venue wants to increase machine numbers to:
 - a maximum of 30 at any existing venue where two or more clubs want to merge;
 - a maximum of 18 machines for new club venues.

5 Cap on the number of gaming machines:

The maximum number of gaming machines permitted per venue is set by the Gambling Act 2003. The maximum number of gaming machines permitted within Upper Hutt is set by the council.

The number of electronic gambling machines in Upper Hutt City shall be capped at 174 for the duration of this policy. A review of this cap and the Gambling Venue Policy shall take place in early 2013.

6 Harm Prevention and Minimisation Regulations 2004:

As at October 2005, all new gaming machines are required to have design features that provide the player with information:

- on game characteristics, including the odds of winning a game and the average amount of money paid out per machine (compared to how much goes in);

³ To note, a requirement of the Control of Advertising Signs Bylaw 2005 is that anybody using sandwich board signs on footpaths must first obtain Council Consent.

⁴ A key person who knowingly allows a venue to contravene Section 113 of the Gambling Act 2003 is liable to a fine not exceeding \$10,000.

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- on individual player information, including the duration of play, the amount of money the player has spent and net wins and losses during the session of play;
- that interrupts play at irregular intervals, not exceeding 30 minutes, to provide information of the duration of play and the net wins and losses.

From 1 July 2009, all gaming machines are required to have design features (as identified above) that provide player information on game characteristics, individual play (e.g. amount spent and duration) and the current time.

7 Transfer of Existing Class 4 Gambling Venue Conditions

Where an existing Class 4 Gambling Venue is ceasing to operate, the council may, at its own discretion, allow the transfer of existing venue conditions to another location(s) that meets the criteria of the existing policy.

Generally, the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:

- the existing venue must be ceasing to operate as a Class 4 Gambling venue;
- the new venue must be operated by the same corporate society operating the existing venue;
- the new venue must be in a similar geographic location as the existing venue;
- the new venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003; and
- the merging of existing venue conditions and transferred venue conditions is not permitted.

8 Applications:

Applications for council consent must be made on the approved application form provided and must provide:

- name and contact details for the applicant;
- venue details, including trading name and street address of premises proposed for the Class 4 licence;
- contact details for management staff;
- the number of gaming machines being proposed for the premises;
- a floor plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and the location of clocks and windows within the games room;
- details of how the proposal complies with the council's Gambling Venues Policy;
- evidence of the liquor licence(s) applying to the premises;
- a copy of the staff training programme, including information on how to spot and offer prescribed information to problem gamblers;
- the application fee;
- documentation outlining the policies and programmes in place for the distribution of funds; and
- evidence that the premises, for which the Class 4 venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

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9 **Application Fees:**

Fees are set by Upper Hutt City Council and shall include consideration of:

- the cost of processing the application;
- the cost of monitoring consents; and
- the cost of triennially reviewing the Class 4 Gambling and New Zealand Racing Board (including TAB) Venues Policy.

The application fee will be reviewed by council each year as part of the Annual Plan Fees and Charges review.

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NEW ZEALAND RACING BOARD (INCLUDING TAB) VENUE POLICY

1 Introduction:

Under the Racing Act 2003, when the New Zealand Racing Board wants to establish a new and/or relocating venue it must gain consent from the territorial authority.

2 Objectives of this Policy:

- to ensure the council and the community has influence over the location of new and/or relocating Racing Board Venues within the city;
- to allow the community to have access to gambling venues for entertainment purposes;
- to manage the growth of gambling within the district; and

3 Where and How New Zealand Racing Board (including TAB) Venues may be established:

Part 6A of the Racing Act 2003 notes that a territorial authority may have regard to any relevant matters (including the following) when determining its Racing Board Venue Policy:

- the characteristics of the district and parts of the district;
- the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
- the cumulative effects of additional opportunities for gambling in the district.
- the social impact of gambling within the territorial authority district; and
- the location of new racing board venues.

New Zealand Racing Board (including TAB) venues may be established within Business Commercial zones⁵, subject to:

- meeting application and fee requirements;
- all gambling venue advertising signs must comply with the Upper Hutt City Council - Control of Advertising Signs Bylaw 2005.

In addition, council will take into consideration the proximity of any new or relocating venue to an existing Class 4 gambling or racing board venue;

Establishment of a racing board venue that is subject to the above consideration will be at the discretion of council.

4 Applications:

Applications for council consent for new and/or relocating Racing Board Venues must be made on the approved application form provided and must provide:

- name and contact details for the applicant;
- venue details, including trading name and street address of premises proposed for the Racing Board Venue;
- contact details for management staff;
- the application fee;

⁵ As set out within the Upper Hutt City District Plan.

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- evidence that the premises, for which the Class 4 venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

5 Application Fees:

Fees are set by Upper Hutt City Council and shall include consideration of:

- the cost of processing the application;
- the cost of monitoring consents; and
- the cost of triennially reviewing the Class 4 Gambling and New Zealand Racing Board (including TAB) Venue Policy.

The application fee will be reviewed by council each year as part of the Annual Plan Fees and Charges review.