



## CLASS 4 GAMBLING AND NEW ZEALAND RACING BOARD (INCLUDING TAB) VENUE POLICY

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### CLASS 4 GAMBLING 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; and
- to manage the growth of gaming machines within the district.

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

Class 4 Gambling Venues may be established within Business Commercial zones<sup>1</sup>, subject to:

- Being a Racing Board Venue<sup>2</sup> 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 on how machine proceeds will be, and are being, distributed back into the community;
- Trust/Corporate Society application forms being clearly accessible to the public (keeping in mind that children are not permitted to enter gaming rooms); and
- meeting application and fee requirements.

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<sup>1</sup> As set out within the Upper Hutt City District Plan.

<sup>2</sup> As determined by the Racing Act 2003.

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. <sup>3</sup>

**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:
  - o a maximum of 30 at any existing venue where two or more clubs want to merge;
  - o 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.

As at February 2007, the total number of consented gaming machines in Upper Hutt is 165. Council shall consent to increase the number of gaming machines throughout the City provided the total number does not exceed 183 machines. A review of this cap and the Gambling Policy shall take place in early 2010.

**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);
- 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.

Gaming machines must also display the current time while they are in use.

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 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;

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<sup>3</sup> 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.

- 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 Policy;
- details of 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. (To assist you, a copy of the Department of Internal Affairs *Guidelines for evaluating compliance with current Harm Prevention and Minimisation requirements for Class 4 Venues* can be found on the Council website at [www.upperhutt.com/Documents/index.asp](http://www.upperhutt.com/Documents/index.asp)); and
- the application fee.

#### **8 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.



## 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; and
- to manage the growth of gambling within the district.

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

New Zealand Racing Board (including TAB) venues may be established within Business Commercial zones<sup>4</sup>, subject to meeting application and fee requirements.

### 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; and
- the application fee.

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

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<sup>4</sup> As set out within the Upper Hutt City District Plan.