

# Gambling Venue Policy

**Group responsible:** Regulatory Services

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## 1 Introduction

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 gaming machines (Class 4), more commonly known as pokie machines.

At 31 December 2018 the Southland District had 15 Class 4 gaming venues and 88 electronic gaming machines.

Council has the ability to limit the number of locations and venues and the number of electronic gaming machines, and 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 licenced after 17 October 2001, or to other venues licenced prior to this if they wish to increase the number of electronic gaming machines.

## 2 Definitions

DEFINITION	MEANING
<b>ACT</b>	The Gambling Act 2003
<b>CLASS 4 GAMBLING</b>	Means any activity that involves the use of a gaming machine outside a casino, and may be conducted only by a corporate society and only to raise money for authorised purposes
<b>CLASS 4 GAMBLING VENUE</b>	Means a place used to conduct Class 4 gambling ie premises with Class 4 gaming machines licenced under the Gambling Act 2003. This includes any Agency venue with gaming machines

DEFINITION	MEANING
<b>CORPORATE SOCIETY</b>	Means a society that is: (a) Incorporated under the Incorporated Societies Act 1968 (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 capacity or power to make a profit; and (ii) Is incorporated and conducted solely for authorised purposes Corporate Societies may therefore include clubs (RSA, sports clubs etc), trusts and racing clubs
<b>DIA</b>	Means the Department of Internal Affairs
<b>SOUTHLAND DISTRICT</b>	Means all the area covered by the Southland Territorial Local Authority
<b>NEW VENUE</b>	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
<b>COUNCIL</b>	Means Southland District Council

### 3 Objectives

This policy has the following objectives:

- 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 Southland District are given the opportunity to consult with Council in a manner that is culturally appropriate.

### 4 Restrictions on venue and machine consents

Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines, including Class 4 machines in Agency venues, under this policy.

A gambling venue consent is for one venue (one premises) and is not transferable to another venue, unless consent is obtained from Council as provided for in Clause 5 below. The consent is given to a venue at a given address, not to a person or business.

Once a venue ceases to operate, the machine numbers will not be allocated to any new or existing venue except as specified in Clause 5 below.

Council will not provide a consent under 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 provided in Clause 5 below.

## 5 Transfer or changes to existing venues and machine consents

If the owner of the principal business of the venue changes, Council consent remains allocated to the venue. The new owner is not required to obtain a Council consent but a new licence may be required from DIA.

Council will consent to the transfer of a licence from an existing venue to a new venue where the venue will be operated by the same corporate society, and subject to a social impact study. The maximum number of gaming machines permitted to operate at the new venue, at the time when the new Class 4 venue licence takes effect, is the same as the maximum number of gaming machines permitted to operate at the old venue, immediately before the licence relating to the old venue is cancelled.

Two or more licensed Class 4 clubs in the Southland District may apply to Council to merge and increase the number of machines that can be operated at a venue, subject to a social impact study. Council consent will only permit the maximum number of gaming machines to be the sum of the number of gaming machines specified in all of the corporate societies' (the clubs that are merging) Class 4 venue licences at the time of application.

Substitute venues may only be established if:

- the vacated site will not be able to be used as a Class 4 venue; and
- Council considers that the location of the new venue is suitable, taking into account the matters referred to in section 101(4) of the act.

Council may arrange its own peer review of any social impact study provided, at the applicant's cost.

## 6 Visual and sound

Only one sign may make reference to the existence of Class 4 gambling, and may be visible from the street or other public space. This sign shall not mimic or replicate the operation of gaming machines.

No other sign shall promote or identify the existence on site, of gaming machines.

Advertising signs and activities within the building, associated with the operation of gaming machines, shall not be visible from beyond the property boundary.

The operation of gaming machines shall not be audible from beyond the venue property boundary.

## 7 Encouraging responsible gambling practices

Two of the stated purposes of the act 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 DIA.

Regulations made under the act 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 that has an existing licence.

Council is supportive in general of initiatives and actions that would help to ensure there is a balanced gambling environment 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 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 DIA.

## **8 Applications for consent**

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

Council will publicly notify applications for Class 4 Gambling Venues and allow for public submissions to be lodged.

Applications for consent by Council must be made to Council on the prescribed form 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
- details of design and layout to demonstrate how the venue will comply with part six of this policy
- any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

The decision will be made at staff level pursuant to delegated authority and based on the criteria detailed in this policy, except where any matter of opposition is raised in a public submission, in which case the application will be heard and determined by Council.

## 9 Commencement of policy

This policy has been adopted by Council following the special consultative procedure prescribed by the Local Government Act 2002.

This policy is effective from 21 August 2019.

## 10 Review of policy

Council will review this policy within three years of it being adopted.

## Appendix 1 Encouraging responsible gambling practices

Best practice	Supporting action
Host Responsibility and Harm Minimisation Policy	The applicant has in place a Host Responsibility and Harm Minimisation Policy. The policy conforms to best practice as set out by national guidelines or standards should these become available.
Location of gaming machines	Electronic gaming machine sites should be located so that: <ul style="list-style-type: none"> <li>• the facility is ancillary to a principal business and is not the primary purpose of the site</li> <li>• the facility is separate from the area of the principal business so that the legal age limit of 18 can be observed and enforced.</li> </ul>
Staff training programme or activities	The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation Policy. The programme provides information on: <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 gambling machines	The licensee 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. Policy on identification checks for patrons appearing under 25. Staff training on identification of patrons appearing under 25 and actions to be followed.
Provision of problem gambling information	The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services. Gambling help line phone number information is placed on or near all gambling machines. Additional material on problem gambling and help services displayed in at least one other area within the premises, situated near to gambling machines.
Clocks are visible in premises	The licensee ensures that clocks are visible 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 machine are in operation.