

# WAITAKERE CITY

## Gambling Venue Policy

November 2009

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## 1 BACKGROUND TO THE POLICY

- 1.1 The Gambling Act 2003 (the Act) came into force on 18 September 2003. Under section 101 of the Act, Waitakere City Council is required to adopt a policy on Class 4 gambling venues (venues with electronic gambling machines) for the City and review it three yearly. The Council first adopted a policy in 2004, now replaced by this policy in 2009.
- 1.2 The Council has the ability to limit the number and location of venues and the number of electronic gambling machines in this policy, and must have regard to the social impact of gambling in developing this policy. As required under the Act, this policy only applies to gambling venues licensed after 17 October 2001, or to venues licensed prior to this if they wish to increase the existing number of electronic gambling machines in the future.
- 1.3 The 2003 Act also amended the Racing Act 2003 to require that the Council adopt a Board Venue Policy for the City. A Board Venue is a stand alone venue owned or leased by the New Zealand Racing Board where race and sports betting is carried out. These venues are commonly known as TABs. The Board Venue Policy must specify whether new TABs may be established in the City, and if so, where they may be located.
- 1.4 The Waitakere City Council Gambling Venue Policy covers both Class 4 gambling venues and New Zealand Racing Board (TAB or Board) venues.
- 1.5 Section 101 of The Gambling Act 2003 requires each territorial local authority to adopt a class 4 Gambling Venue Policy ("the Policy") for its district/ city. The Council adopted its original policy in 2004.
- 1.6 Class 4 licensed gambling is any activity that involves the use of a gambling machine outside a casino and may be conducted only by a corporate society and only to raise money for authorised purposes.
- 1.7 Corporate societies as non-profit organisations are licensed to operate gambling machines to raise and distribute the money from their gambling machines for community and non- commercial purposes. Corporate societies include:
  - Clubs (RSAs, sport clubs, chartered clubs and other clubs);
  - Trusts; and
  - The New Zealand Racing Board and Societies including Totalisator Agency Boards ("TABs") that are considered as racing clubs under the Racing Act 2003.
- 1.8 The 2004 Gambling Venue policy capped the number of gambling venues in the city at 38 and the number of gambling machines at 501. It is intended to reduce the current cap on venue and machine numbers in furtherance of objectives 2.1 and 2.2 below through the adoption of a continuous sinking lid policy.
- 1.9 The reduction in venues and machines will take place by a process of natural attrition as venues and machines cease operating.

**2 PURPOSE OF THE POLICY**

- 2.1 To support the purpose and intent of the Gambling Act 2003. In particular to control the growth of gambling in the city of Waitakere and minimise harm caused by problem gambling.
- 2.2 To control the growth of Class 4 gambling venue numbers and gambling machine numbers within Waitakere City.
- 2.3 To enable people who wish to participate in Class 4 and TAB gambling in Waitakere City to do so, in accordance with the purpose and intent of the Gambling Act 2003.
- 2.4 To encourage responsible gambling practices and attitudes in Class 4 gambling venues.
- 2.5 To facilitate community access to information about the operation of Class 4 gambling venues within the City; and the distribution of monies from Class 4 gambling machines.
- 2.6 To ensure as far as practicable that actual and reasonable costs relating to venue consent applications are borne by the applicant(s).

**3 SCOPE OF THE POLICY**

- 3.1 The Policy covers Class 4 gambling venues that are licensed to corporate societies, which can be Clubs, Trusts or New Zealand Racing Board Venues (commonly known as TABs). A Board Venue (TAB) is a stand alone venue owned or leased by the New Zealand Racing Board and where the main business is providing racing and sports betting. The policy also covers the establishment of Board venues as required by the Racing Act (2003).
- 3.2 New Zealand Racing Board venues (TABs) with electronic gambling machines are subject to the same requirements as Class 4 gambling venues.
- 3.3 The policy covers Waitakere City and applies to:
  - (a) All venues/societies with gambling machines able to be operated at any venue, and
  - (b) All venues for which no Class 4 venue licence has been held within the last 6 months.
- 3.4 There are currently 38 venue consents and 501 gambling machine consents allocated.
- 3.5 This policy can only address strategic and operational issues that are of relevance to Waitakere City Council (see Sections 98 – 103 Gambling Act). It does not include matters determined by the Department of Internal Affairs.
- 3.6 Regulatory mechanisms for this policy are set out in a diagram in Appendix 1

#### 4 IMPLEMENTATION, REVIEW AND MONITORING OF THE POLICY

- 4.1 The Policy must be adopted and reviewed in accordance with the requirements of the Gambling Act 2003 and the Racing Act 2003. The policy development process must conform to the requirements of the special consultative procedure set out in the Local Government Act 2002.
- 4.2 This policy shall be reviewed three years from the date of adoption or earlier as the Council thinks fit.
- 4.3 Council will monitor the social and economic impacts of gambling on the community as part of the Policy review process. This policy may be amended as a result of such findings.
- 4.4 Any review or amendment of the Policy, including the setting of fees, will be undertaken in accordance with the special consultative procedure described in the Local Government act 2002.

#### 5 DEFINITIONS

- 5.1 For the purposes of this policy the following definitions apply:

**Board Venues (TAB venue)** - means premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing, betting or sports betting services as provided for in the Gambling Act 2003 and under the Racing Act 2003. It is noted that the Racing Act specifies that this policy does not apply to Board facilities that are part of another venue.

**Class 4 gambling** - means any activity that involves the use of a gambling machine outside a casino, and may be conducted only by a corporate society and only to raise money for *authorised purposes*.

**Class 4 Gambling Venue** - means a place used to conduct class 4 gambling i.e. premises with class 4 gambling machines (pokie machines) licensed under the Gambling Act 2003.  
This includes any TAB venue with gambling machines.

**Corporate Society** - means a society that is:

- a) Incorporated under 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.

**Class 4 Gambling machine** - shall have the same meaning as that which is set out in Part 1 of the Gambling Act 2003.

**New venue** - any venue that has not held a Class 4 venue licence for 6 months or more, or that has never held a Class 4 venue consent shall be considered a new venue.

**Premises** - means any building in which a venue is located.

**Territorial authority venue consent** - means a consent granted under part 7 of this policy and shall be referred to in this policy as TAGC. For the avoidance of doubt a TAGC does not substitute or replace any consents required under any other statutes which the Council administers.

**The Council** - means the Waitakere City Council or its successors

## 6 RESTRICTIONS ON VENUE AND MACHINE CONSENTS

- 6.1 Council will not grant consent for the establishment of any new Class 4 venues or machines under this policy.
- 6.2 Once the venue ceases to operate, the machine numbers will not be allocated to any new or existing venue.
- 6.3 Under this policy the Council will not grant consent for the establishment of new Board venues (TABs) where class 4 machines are to be made available but may grant consents to new stand alone Board venues (TABs) without electronic gambling machines, subject to District Planning requirements
- 6.4 All Class 4 venues, with the exception of venues that are also Board Venues (TABs), are required to have liquor licenses. Any liquor license issued will be compliant with the Council's Liquor Licensing Policy.
- 6.5 A gambling venue consent is for one venue (one premise) and is not transferable to another venue. The consent is given to a venue at a given address, not to a person or business.
- 6.6 If a consent is not acted upon within two years from the date of issue it will be deemed as expired.
- 6.7 In the event of:
  - A new consent may be issued for a new venue in the event of:
    - (a) A compulsory acquisition of a venue under the Public Works Act 1981; or
    - (b) A venue loses its assets and contents through natural disaster such as flood, fire or earthquake or such other natural disaster, where an independent report from the Fire Service of New Zealand or the Earthquake Commission proves that the event was not caused by the actions or inactions of the venue consent holder.

This exception would mean that venue consent holders are not prejudiced as a result of circumstances that are outside of their control.

## **7 CHANGES TO EXISTING VENUE AND MACHINE CONSENTS**

- 7.1 If the owner of the principal business of the venue changes, the TAGC remains allocated to the venue. The TAGC is not transferable to new premises. The new owner is not required to obtain a TAGC, but a new licence may be required from the DIA.
- 7.2 Council will not provide a TAGC under sections 95(1) (f) or 96(1) (e) of the Gambling Act 2003 to any application by corporate societies with Class 4 licences seeking Ministerial discretion to increase the number of gambling machines permitted at a venue, beyond the number that would otherwise have been permitted under sections 92, 93 or 94 of that Act.
- 7.3 Council will not provide a TAGC that will bring about an increase in the number of machines at a venue. This applies to situations for corporate societies, such as
- a) A proposal to move one or more machines from one licensed venue to another licensed venue.
  - b) A proposal to vacate a licensed venue to move to a venue without a TAGC.
  - c) A proposal to reach the maximum limit on the number of machines as set out in sections 92, 93 or 94 of that Act.
- 7.4 If there is a proposal to close a venue or reduce the number of machines operating at a venue, the Council does not need to be notified. The DIA and/or Secretary for Internal Affairs will need to be notified of any changes in relation to venues and machines.

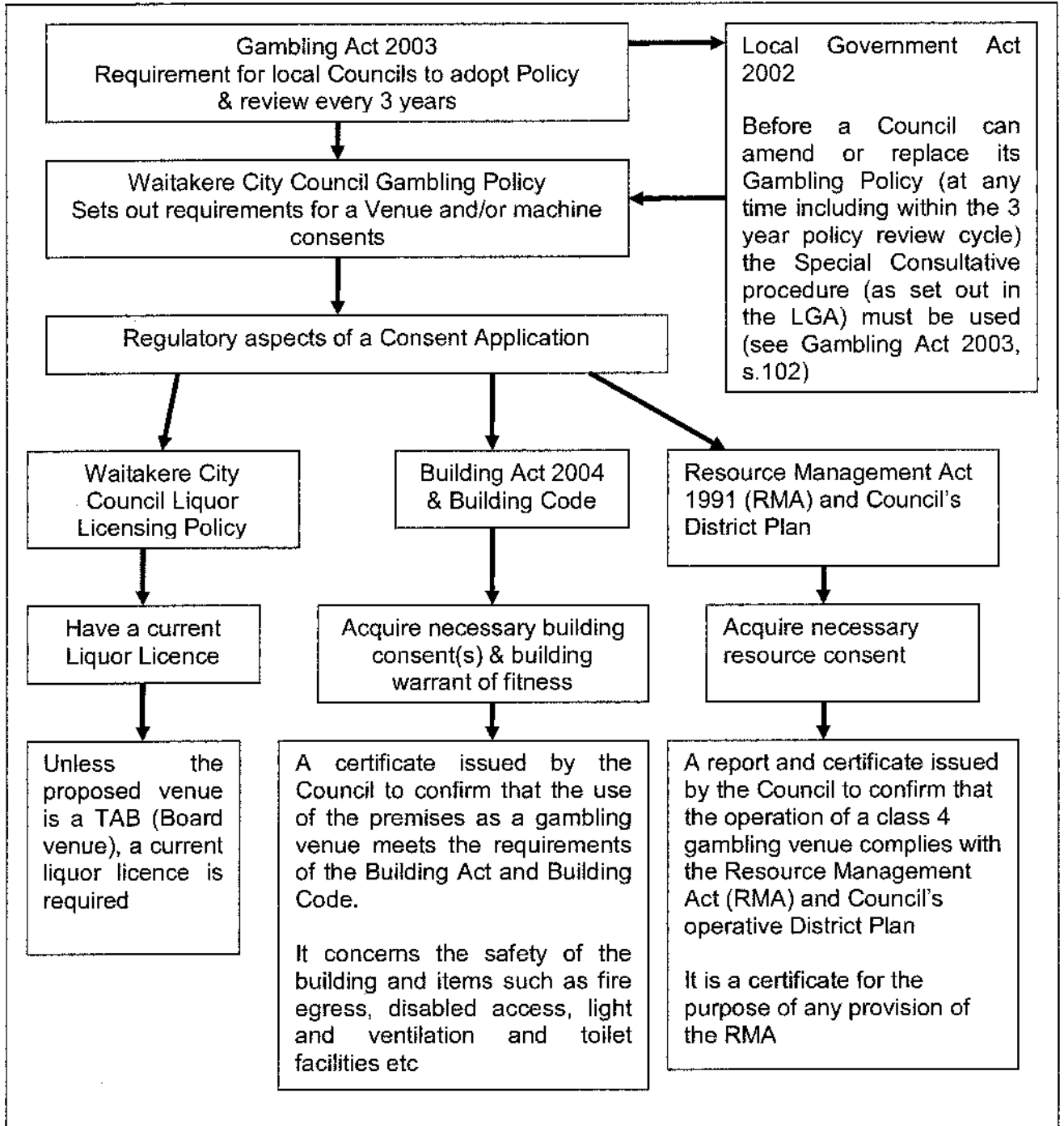
## **8 RESPONSIBLE GAMBLING**

- 8.1 Two of the stated purposes of the Gambling Act 2003 are to “prevent and minimise the harm caused by gambling, including problem gambling” and to “facilitate responsible gambling”.
- 8.2 Enforcement and monitoring of gambling venues is the responsibility of the Department of Internal Affairs (Gambling Act 2003).
- 8.3 The Gambling (Harm Prevention and Minimisation) Regulations help to ensure that the gambling industry operates in a way that is intended by the Gambling Act 2003.
- 8.4 The regulations set out:
- What constitutes an unsuitable venue;
  - Requirements and restrictions regarding gambling machines;
  - Requirements of venues to provide information about problem gambling; and
  - Requirements of venues to provide problem gambling awareness training to staff

- 8.5 The Council is supportive in general of initiatives and actions that would help to ensure there is a balanced gambling environment in the City where potential harm is managed effectively, and where those who wish to gamble can do so safely.
- 8.6 If opportunities arise for the Council to support actions that aim to promote responsible gambling, consideration will be given to whether it is appropriate at that time to have involvement. This could include alignment with Department of Internal Affairs strategies, City wide Alcohol Strategy host responsibility policies and promotion of a voluntary Code of Conduct to guide best practice objectives and activities (Appendix 2).
- 6.7 Where Council has concerns about the operation of existing gambling venues these will be reported to the Department of Internal Affairs. The Council's liquor licensing inspectors can report any concerns they have to the Department of Internal Affairs following visits to venues to check compliance for alcohol. Council inspectors do not have enforcement powers over the venues in terms of their gambling activities.
- 8.8 The provision of information about problem gambling by the venues is a key way of promoting responsible gambling. Where Council has concerns about the promotion of this literature at venues, it will be reported to the Department of Internal Affairs. It is stated in Section 11 Gambling Harm Prevention and Minimisation Regulations, that:
- a) Venues must make available to players:
    - pamphlets providing information about the odds of winning on gambling machines; and
    - information about the characteristics of problem gambling (including the recognised signs of problem gambling) and how to seek advice for problem gambling.
  - b) Venues must display signage that is clearly visible to all players that:
    - encourages players to gamble only at levels they can afford; and
    - contains advice about how to seek assistance for problem gambling.
- 8.9 Where liquor licenses are revoked or appear to have been infringed, the Council will report this to the Department of Internal Affairs who is responsible for investigating whether any further action is required.

APPENDICES

Appendix 1 - Regulatory Mechanisms of the Gambling Venue Policy



**Appendix 2 - Best Practice Code of Conduct (example)**

A Code of Conduct is not within the scope of the Gambling Venue Policy. Any code is voluntary and will not be assessed as part of venue consent. It is envisaged that as part of the Citywide Alcohol Strategy and in line with DIA monitoring practices, such a code could be promoted and implemented to assist gambling venues to demonstrate responsible best practice. This table sets out relevant criteria and supporting actions that could form part of the Code.

**Host Responsibility and Harm Minimisation**

| Best Practice                                    | Supporting Action   |
|--|---|
| Host responsibility and harm minimisation policy | <p>The applicant has in place a host responsibility and harm minimisation policy.</p> <p>The program conforms to best practice as set out by national guidelines or standards should these become available.</p>  |
| Staff training program or activities             | <p>The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation policy.</p> <p>The program provides information on:</p> <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; and</li> <li>• Systems to be followed if children are left unattended in premises or nearby premises.</li> </ul> |
| Policy on underage access to gambling machines   | <p>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.</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>  |
| Provision of problem gambling information        | <p>The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services.</p> <p>Gambling help line phone number information is placed on or near all gambling machines.</p> <p>Additional material on problem gambling and help services displayed in at least one other area within the premise, situated near to gambling machines.</p>  |
| Clocks are visible in premise                    | <p>The licensee ensures that clocks are visible from gambling machines.</p>   |

| Best Practice   | Supporting Action  |
|---|--|
| 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 barring of patrons is supported                          | The licensee ensures that systems to support self barring and exclusion by patrons are put in place.<br>Staff training on systems to support self barring or exclusion of patrons.   |
| Children are not left unattended while gambling is undertaken | The licensee will take active steps to prevent parents leaving their children unattended without adult supervision, including: <ul style="list-style-type: none"> <li>• Requiring employees to report incidents where a child have been left unattended, either inside the premise or immediately outside the premise; and</li> <li>• 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.</li> </ul> |
| Intoxicated patrons are prevented from gambling               | Staff training on identification of intoxicated patrons and actions to be followed to if intoxicated patrons attempt to gamble.<br>The licensee takes practicable steps to ensure that no person who appears to be intoxicated is allowed to gamble.   |

**Distribution of Gambling Profits**

Corporate societies are encouraged to demonstrate best practice by providing information to Council and the community on how they distribute the proceeds from their gambling machines.

The Code of Conduct would require corporate societies to provide information on the distribution of gambling profits to community groups by giving public notice at least annually in the *New Zealand Herald* or *The Western Leader* of funds allocation and providing a copy of this to Waitakere City Council. Where possible, societies are encouraged to provide information that is specific to Waitakere City, and provide data on separate venues within the City. This information may be displayed on the Waitakere City Council website.

Information about the Trust or body responsible for the distribution of gambling profits should also be made available to the public and to the Waitakere City Council and should include:

- Contact details (address, phone numbers, electronic contact (if available)); and
- Names of trustees.