

Class 4 Gambling Venue and NZ Racing Board Gambling Venue Policy 2011

Hauraki District Council

NOTE: This policy replaces and therefore revokes the Hauraki District Council Class 4 Venues Policy and New Zealand Racing Board Venue Policy 2007 and the Franklin District Council Gambling Venue Policy - Class 4 Venues and New Zealand Racing Board Venues Policy 2009.

	Title:		Class 4 Gambling Venue and NZ Racing Board Gambling Venue Policy 2011	
	Sponsor:		Approved By:	
	Peter Thom		Council on 15/06/2011	
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1. INTRODUCTION:

Under the Gambling Act, 2003 (the Act), the Department of Internal Affairs has overall responsibility for managing the licensing of Class 4 gambling venues and New Zealand Racing Board venues. This Act specifies certain responsibilities for councils in relation to the Class 4 gambling occurring within their districts, and requires Council to adopt a policy in accordance with these responsibilities.

Section 101(3) of the Act requires that the class 4 venues policy:

- i must specify whether or not class 4 venues may be established in the territorial authority district and if so, where they may be located; and
- ii may specify any restrictions on the maximum number of gaming machines that may operate at class 4 venues.”

The Racing Act 2003 requires Council to adopt a Board venues policy for the District. A board venue is a stand-alone venue owned or leased by The New Zealand Racing Board where the main business carried out is racing or sports betting services. A board venue policy must specify whether new board venues may be established in the District and if so where they may be located.

2. OBJECTIVE:

The objectives of this policy are:

- i To ensure the Council and the community has influence over the location of new Class 4 gambling and New Zealand Racing Board (NZRB) gambling venues in the Hauraki District whilst allowing those who wish to participate in pokie machine and NZRB gambling to do so.
- ii Restricting the growth of gambling by:
 - capping the number of Class 4 gambling venues in the Hauraki District, and
 - capping the total number of pokie machines in Hauraki District
- iii To further reduce the harm associated with problem gambling in Hauraki by:
 - eventually restricting the number of machines in Hauraki District to meet the national average of people per machine, and
 - monitoring the social impacts of gambling triennially.

3. POLICY:

3.1 ESTABLISHMENT OF CLASS 4 VENUES

Class 4 venues may be established within Hauraki District subject to:

- i meeting application and fee requirements;
- ii the number of pokie machines proposed for the venue being able to be met within the overall district cap (maximum) on pokie machines within Hauraki District as detailed in this policy;

- iii the number of gambling venue licences issued at any time not exceeding the district cap (maximum) for Class 4 gambling venue licences within Hauraki District as detailed in the policy;
- iv not being a venue at which any activity at the venue is associated primarily with family or children's activities, or a venue that promotes their premises predominantly for family dining or family activities;
- v the applicant having the appropriate resource consent approvals, if required.

A venue which operates as a brothel will not be granted a Class 4 gambling venue consent.

3.2 LOCATION OF CLASS 4 GAMBLING PREMISES

Class 4 gambling venues must not be located in premises that are incompatible with other permitted uses in the relevant zones (e.g. town centre zone, residential zone).

Class 4 venues must not be located within sight of educational facilities.

Class 4 gambling venues must not allow any gambling activity to be visible to passing pedestrian traffic.

3.3 NEW ZEALAND RACING BOARD VENUES

New Zealand Racing Board venues that are not operating gaming machines will be permitted in the Hauraki District subject to meeting the requirements of the operative Hauraki District Plan, or the operative Franklin District Plan in the area of Kaiaua.

A New Zealand Racing Board venue applying to operate gaming machines will be treated as a class 4 venue and as such will be subject to restrictions listed in this Policy.

3.4 PREDOMINANT ACTIVITY OF CLASS 4 GAMBLING VENUES

The predominant activity of any Class 4 gambling venue shall be:

- i For the sale of liquor or, the sale of liquor and food where the venue is subject to a liquor licence (not being a bring-your-own licence) for a hotel, tavern, bar chartered club or club license; or
- ii Where the liquor license for the venue is an on-licence or club licence for the sale of liquor; or
- iii The conducting of race and sports betting in stand alone, alcohol free New Zealand Racing Board venues under the Racing Act, 2003.

3.5 OVERALL CAP ON THE NUMBER OF POKIE MACHINES TO BE ALLOWED IN THE HAURAKI DISTRICT

The maximum number of pokie machines allowed (cap) within Hauraki District shall not exceed 79.

In 2011 there were 119 pokie machines within the Hauraki District. A sinking lid policy has been adopted in order to reduce this number to the National Average of people per pokie machines a cap has been set at 79.

Through natural attrition Council will not grant any additional pokie machine licenses until the number of pokie machines is below the cap of 79.

New Class 4 gambling venues shall be allowed a maximum of no more than nine pokie machines.

A venue that held a license on 17 October, 2001 and has not been without a licence for more than six months since then 'may operate' it's notified number of gaming machines. In these instances the cap shall not apply.

Without the necessity to re-consult on the policy, the recalculation of the maximum number of pokies allowed in Hauraki will be undertaken upon release of the 2011 census results.

3.6 OVERALL CAP ON NUMBER OF CLASS 4 GAMBLING VENUES TO BE ALLOWED IN THE HAURAKI DISTRICT

The number of Class 4 gambling venues operating within the district shall not exceed 9.

3.7 CLUBS MERGING WITH CLASS 4 GAMBLING LICENSES

Should two or more clubs with existing Class 4 gambling venue licenses merge the Council will give consideration to the maximum number of machines at the merged venue being up to the lesser of:

- i the number of merging venues multiplied by nine; or
- ii the total of the machine numbers in the merging venues prior to the merger; or
- iii 18 machines.

Council is mindful of clauses 95(6) (a) of the Gambling Act 2003 which states that "the Secretary must cancel the previous class 4 venue licences held by the corporate societies, and there is no right of appeal against that cancellation." To this end Council will require clarification that this cancellation has been undertaken before it will approve consent for the proposed merged venue.

Council consideration on the merger may take into account any submissions made by the merging venues or the successor venue.

3.8 SIGNAGE FOR CLASS 4 GAMBLING VENUES

For signage restrictions refer to the Hauraki District Plan or the Franklin District Council Control of Signs Bylaw if the proposal is within the former Franklin area now incorporated into Hauraki District.

3.9 POLICY REVIEW

The review of this Policy will be undertaken in line with the Gambling Act 2003 and the Racing Act 2003 (every 3 years after the Policy is adopted).

4. APPLICATIONS

Applications to the Hauraki District Council for Class 4 venue consents must be made on the approved application form and must provide:

- i name and contact details for the application;
- ii street address of premises proposed for the Class 4 licence;
- iii the names of management staff;
- iv evidence of police approval for owners and managers of the venue;
- v a copy of the approved gambling harm minimisation policy, the staff training programme and the applicants host responsibility programme;

- vi evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 gambling venues;
- vii details of liquor licence(s) applying to or proposed for the premises.

The Hearings Committee of Council shall consider all applications for Class 4 venue consents received.

The committee shall suspend consideration of, or refuse consent where any part of the application falls outside the venue policy;

Without limiting the Committees right to consider and determine an application for Class 4 venue consent on any relevant issues the committee shall suspend consideration of a venue consent application if:

- i any necessary resource consent has not been issued.
- ii the applicant cannot show that the opportunity for people under the age of 18 gaining access to gambling machines is minimal.
- iii it believes the proposed venue is sited inappropriately in distance from the nearest residential zone, educational or religious establishment.

The committee may also suspend consideration of or refuse consent in other circumstances where it considers further information is required.

4.1 APPLICATION FEES

These will be set by the Hauraki District Council from time to time, and shall include consideration of the cost of processing the application, including any consultation and hearings involved

5. SOCIAL IMPACT OF GAMBLING POLICY

An assessment of the social impacts of gambling was undertaken in February 2011 through the facilitation of a social impact forum and associated literature review.

The results of this assessment concluded that:

“The social impact assessment leaves little doubt that if a person is a ‘problem gambler’ the problem is real. It’s often such an addictive recreational habit that homes and livelihoods are put at risk and family and friends around the gambler are impacted.

Whether or not the numbers indicate that Hauraki has a disproportionate number of problem gamblers is hard to determine. Verbatim observations by the social service and church organisations presented at the forum would seem to suggest that there is a moderate problem in Hauraki, and one that would warrant a continued approach to capping the number of gaming machines and if ever allowed, reducing them further.

On the other side venue holders and trust representatives stated that people enjoyed gambling as a pastime and often use it as their ‘social avenue’ to meet friends and chat. The venue holders represented at the forum stated that there was little to no problem gamblers using their venues, and that currently the use of gaming machines is in decline.”

Hard data on electronic gaming machines which in the past had proved elusive is now available through the Department of Internal Affairs, and continues to become more sophisticated. Council will continue to facilitate a

community forum which meets triennially where the following information will be collated to establish trends:

- i Monitoring of the social effects of gambling in the District;
- ii Collection of statistical data from the Department of Internal Affairs ;
- iii Identification of issues associated with problem gambling in the Hauraki District;
- iv Recommendation of changes to council on its Class 4 Gaming policy;
- v Identification of projects supported and grants awarded by gaming machine proceeds through trust and societies.

6. RELEVANT LEGISLATION:

Gambling Act 2003

Racing Act 2003

Local Government Act 2002

Gambling (Class 4 Net Proceeds) Regulations 2004

7. DEFINITIONS:

social impact forum means the forum facilitated triennially by Hauraki District Council in order to assess the social impact of gambling within Hauraki. Relevant agencies will be invited to take part in this forum, including but not limited to:

- i Class 4 Venue license holders;
- ii Social services agencies;
- iii Problem Gambling Foundation of New Zealand;
- iv Charity Gaming Association;
- v Government departments including police;
- vi Church groups;
- vii Clubs New Zealand Incorporated.

problem gambler has the same meaning as the interpretation in the Gambling Act 2003

class 4 venue has the same meaning as the interpretation in the Gambling Act 2003

gambling area has the same meaning as the interpretation in the Gambling Act 2003

8. AUDIENCE:

This policy is primarily aimed at class 4 venues and New Zealand Racing Board venues premises. It also affects the entire community through its ongoing sinking lid policy which aims to minimise the effect of problem gambling.