

Gambling Venues Policy 2020

(Class 4 gaming machines and TAB)

1. Commencement

This policy combines the Class 4 gaming machine venues and TAB New Zealand venues policies which were adopted by Upper Hutt City Council in 2004 and revised in 2007, 2010, 2013, and 2016.

The 2020 revision comes into effect on 17 September 2020 and replaces all previous versions. It is intended to operate for a further three years and be reviewed by Council by no later than 2023.

2. Introduction

Upper Hutt City Council (Council) is required under legislation to adopt a policy for class 4 gaming machine (“Pokies”) venues and TAB New Zealand venues. This policy covers requirements for both.

Class 4 gaming machines and venues are regulated under the Gambling Act 2003, and TAB venues are regulated under the Racing Industry Act 2020.

3. Statutory framework

Gambling Act 2003

The [Gambling Act 2003](#) (GA) came into force on 18 September 2003. It requires Councils to adopt a class 4 gaming machines venue policy. The policy must say whether or not gaming machine venues can be established in the city, and if so where they may be located, subject to compliance with any District Plans, standards or any issued resource consent. In addition, the policy may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 gaming machine venue.

The GA also requires that Councils must review their class 4 gaming venue policy within three years of the adoption of the policy, and then review this every three subsequent years. The review must consider whether the social impacts of and risk of harm from gambling requires greater regulation.

Furthermore, after the [Gambling \(Gambling Harm Reduction\) Regulations 2004](#) came into force, Councils must consider whether to include a relocation policy.

Racing Industry Act 2020

The [Racing Industry Act 2020](#) (RIA) came into force on 1 August 2020. It requires Councils to adopt a TAB venue policy. The policy must say whether TAB venues can be established in the City, and if so where they may be located, subject to compliance with any District Plans, standards or any issued resource consent

The RIA also requires that Councils must review their TAB venue policy within three years of the adoption of the policy, and then review this every three subsequent years. The review must consider whether the social impacts of and risk of harm from gambling requires greater regulation.

4. Policy objectives

Council supports the primary purposes of the GA which are to:

- control the growth of gambling,
- authorise some gambling and prohibit the rest,
- facilitate responsible gambling,
- ensure that money from gambling benefits the community,
- facilitate community involvement in decisions about the provision of gambling.

The objectives of this policy are to:

- ensure that the Council and Community have an influence over the provision and location of new gambling venues in the city,
- ensure that the provision of class 4 gaming machines is not the primary purpose of these venues,
- ensure that gaming machines and TABs are located in venues where there is a degree of supervision and control of those using them, in order to help reduce the risk of problem gambling,
- minimise the harm to the community caused by gambling, and
- allow the Community to have access to gambling venues for entertainment purposes, and to benefit from the proceeds which they generate.

5. Definitions

For this policy, unless the context otherwise requires, the following term definitions apply:

Class 4 gaming venue means a place at which class 4 gaming machines (also known as Pokies) are located, or for the purposes of application, at which it is proposed that gaming machines be located.

Primary activity means the activity primarily associated with and promoted by the venue.

TAB New Zealand or TAB NZ means the body established by section 54 of the RA to conduct racing betting, sports betting, or other racing or sports betting under the RIA.

TAB venue means premises owned or leased by TAB NZ and where the main business carried on at the premises is providing racing betting, sports betting, or other racing or sports betting services under the RIA.

Unsuitable class 4 venue has the same meaning as section 4 of the Gambling (Harm Prevention and Minimisation) Regulations 2004.

6. Requirements for venues

An operator wanting to establish a new venue, or to increase the number of class 4 gaming machines that may be operated at an existing venue, must first gain consent from Council before they can apply for a licence from the Department of Internal Affairs.

A Class 4 gaming machine and/or venue application for Council consent under this policy must satisfy **all of the requirements in clauses 6.1 to 6.4**, and provide payment of the application fee.

Consent will not be given to any venue defined as 'unfit' under section 4 of the [Gambling \(Gambling Harm Reduction\) Regulations 2004](#).

A TAB venue application for Council consent under this policy must satisfy the applicable requirements in **clauses 6.1 and 6.6**, and provide payment of the application fee.

The application process is detailed in section 7.

6.1 Location of class 4 or TAB venues

New class 4 gaming and TAB venues may only be established within the Upper Hutt City business commercial zones, as set out within the Upper Hutt District Plan.

Applications for new class 4 gaming machines or venues will not be consented if the venue's location is within 100m of any existing class 4 gaming venue, or kindergarten, early childhood centre, kōhanga reo, school, or other community facility.

6.2 Primary activity of class 4 gaming venues

The primary activity of any class 4 gaming venue must be:

- the sale of alcohol or, the sale of alcohol and food where the venue is subject to an alcohol licence (not being an off-licence or a bring-your-own licence) for a hotel, tavern, bar, chartered club or club licence; or
- the sale of alcohol where the alcohol licence for the venue is an on-licence or club licence.

Consent will not be granted for a new venue at which the primary activity is associated with family dining (such as cafés and restaurants), family activities (such as cinemas) or children's activities.

6.3 Maximum number of gaming machines allowed at a class 4 gaming venue

Applicants must refer to and comply with sections 92 – 94 of the Gambling Act 2003 which control the maximum number of gaming machines permitted at a given venue.

6.4 Maximum total number of permitted class 4 gaming machines

The maximum total number of class 4 gaming machines permitted within Upper Hutt City shall not exceed 174.

6.5 Relocation and transfer of class 4 venues

Where an existing licenced class 4 gaming venue is ceasing to operate, Council will consider, at its own discretion, applications to allow the transfer of its current venue conditions to another location if:

- the application meets requirements 6.1 to 6.4 of this policy; and,
- all class 4 gaming machines will be, or have been, removed from the current venue; and,
- the new venue is operated by the same corporate society which operated the existing venue; and,
- the new venue will have no more than the number of class 4 gaming machines as the current venue, subject to any restrictions applicable under the Gambling Act 2003.

The merging of existing venue conditions is not permitted.

6.6 Signage for class 4 gaming and TAB venues

All gambling venues advertising signs must comply with section 8A.3 of the Upper Hutt City Council [Operative District Plan 2004](#).

6.7 Operation of class 4 gaming venues

Class 4 gaming venues must be operated subject to the following conditions:

- gaming machines must not be visible from the footpath, street, road or highway,
- gaming machines must be in a separate location from any family activities,
- gaming rooms must be well lit, preferably by natural light, and have clocks within easy view of machines, if not on the actual machines,
- details on the staff training programme, particularly related to problem gambling, must be provided on request,
- the holder of a class 4 gaming licence must display at the class 4 gaming venue all information required by section 82 of the GA, and this must be clearly accessible to the public.

7. Consent process

7.1 Applications

Applications for Council consent **must** be made on the Council's application form and **must** provide the following:

- 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 machine currently licenced in the premises,
- proposed number of additional gaming machines,
- 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,
- evidence that the premises, for which the class 4 gaming venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

Establishment of a class 4 gaming venue is subject to the above consideration at the discretion of Council.

7.2 Application fee

The application fee is set by Upper Hutt City Council and includes consideration of:

- the cost of processing the application;
- the cost of monitoring consents; and
- the cost of triennially reviewing the class 4 gaming and New Zealand Racing Board venues policy.

The [application fee](#) will be reviewed by Council each year as part of its Schedule of Fees and Charges review.