

25 June 2019



Dear 

Response - Official Information Request

I refer to your request for information received on 4 June 2019. Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and I provide the following information.

Please find attached our current Gambling Class 4 Venue Policy 2017, along with all previous iterations as far back as 2004.

If you have any queries regarding this information please contact Ian McLachlan, Group Manager Customer & Regulatory Services on ianm@horowhenua.govt.nz.

Yours sincerely



David Clapperton
Chief Executive



GAMBLING CLASS 4 VENUE POLICY 2017

1. INTRODUCTION

The Gambling Act 2003 required Horowhenua District Council to develop with its communities, and subsequently adopt, a policy on Class 4 gambling venues, i.e. pokie machine sites. The policy was adopted by Council on 17 March 2004.

This policy has now been reviewed as required by the Gambling Act 2003, and the Policy is limited to Class 4, non-casino, gambling machine (pokie) venues.

The Council has determined that a 'sinking lid' gambling venue policy will be used to control and, in time, reduce the number of Class 4 gaming machine venues in the District.

The 'sinking lid' policy will not permit the establishment of new Class 4 gaming machine venues and it will not permit gaming machine societies to increase the number of gaming machines in the District.

2. OBJECTIVES OF THE POLICY

The objectives of this policy are:

- To control gaming machine gambling in the Horowhenua District;
- To cap the number of gaming machines in the Horowhenua District;
- To cap the number of Class 4 gaming machine venues in the Horowhenua District;
- To reduce the number of gaming machines through attrition (this does not affect repair and/or replacement of existing gaming machines);
- To prevent and minimise the harm caused by gambling;
- To facilitate community involvement in decisions about gambling;
- To recognise there are negative social, economic and health impacts from problem gambling.

3. GAMING MACHINES AND GAMING VENUES

The following shall apply as the policy of the Horowhenua District Council:

- No additional Class 4 gaming machine venues are to be established in the Horowhenua District;
- All gaming machines as at the date of adoption of this policy may continue until such time as the venue does not hold a licence for gaming machines ;
- If a venue has not held a licence for gaming machine gambling within the last six (6) months, the District Council will not allow the re-establishment of a Class 4 gaming machine venue;
- Existing Class 4 venues may not increase the number of gaming machines that exist at the date of this policy.

4. MERGED CLUBS

Where clubs holding a Class 4 Gaming Venue licence decide to merge, the maximum number of gaming machines allowed will be thirty (30), or the sum of the machines operating in the merged clubs prior to the merger, whichever is the lesser.

5. **CLASS 4 VENUES - VACATION OF PREMISES – RELOCATION POLICY**

A Class 4 venue that is forced to vacate its existing venue through no fault of its own, or chooses to relocate (because the current venue is deemed to be earthquake-prone; the current lease has come to an end; the venue is required to move due to public works acquisition; or the venue wishes to relocate to a new or refurbished premises) will be granted a consent to continue its gaming activity in another venue or rebuilt premises for the same number of machines that they were licensed to operate subject to –

1. The current Class 4 venue operator is intending to and will be conducting Class 4 gambling at the new location,
2. The vacated site will not be able to be used by any other Class 4 operator to operate Class 4 Gambling,
3. The Class 4 operator and venue operator are the same as those cited in the venue agreement for the existing venue and the proposed new venue,
4. The Class 4 operator has been conducting class 4 gambling at the existing venue within the last 4 weeks,
5. Any new Class 4 Venue, temporary or permanent, will not be located closer than 150 metres to schools, Early Childhood Centres, kindergartens, places of worship, and other community facilities,
6. Any new Class 4 Venue, temporary or permanent, must be located in the District where Class 4 venues are a permitted activity under the Horowhenua District Plan or where a resource consent to undertake the activity proposed is granted.

6. **ADOPTION, COMMENCEMENT AND REVIEW**

This policy was adopted at the duly notified Council meeting held on 27 November 2017, and after completion of the special consultative procedure, and takes effect from 28 November 2017.

This policy will be reviewed in conjunction with the TAB Venue Policy within three (3) years of being adopted by Council.

GAMBLING CLASS 4 VENUE POLICY 2014

1. INTRODUCTION

The Gambling Act 2003 required Horowhenua District Council to develop with its communities, and subsequently adopt, a policy on Class 4 gambling venues, i.e. pokie machine sites. The policy was adopted by Council on 17 March 2004.

This policy has now been reviewed as required by the Gambling Act 2003, and the Policy is limited to Class 4, non-casino, gambling machine (pokie) venues.

The Council has determined that a 'sinking lid' gambling venue policy will be used to control and, in time, reduce the number of Class 4 gaming machine venues in the District.

The 'sinking lid' policy will not permit the establishment of new Class 4 gaming machine venues and it will not permit gaming machine societies to increase the number of gaming machines in the District.

2. OBJECTIVES OF THE POLICY

The objectives of this policy are:

- To control gaming machine gambling in the Horowhenua District;
- To cap the number of gaming machines in the Horowhenua District;
- To cap the number of Class 4 gaming machine venues in the Horowhenua District;
- To reduce the number of gaming machines through attrition (this does not affect repair and/or replacement of existing gaming machines);
- To prevent and minimise the harm caused by gambling;
- To facilitate community involvement in decisions about gambling;
- To recognise there are negative social, economic and health impacts from problem gambling.

3. GAMING MACHINES AND GAMING VENUES

The following shall apply as the policy of the Horowhenua District Council:

- No additional Class 4 gaming machine venues are to be established in the Horowhenua District;
- All gaming machines as at the date of adoption of this policy may continue until such time as the venue does not hold a licence for gaming machines ;
- If a venue has not held a licence for gaming machine gambling within the last six (6) months, the District Council will not allow the re-establishment of a Class 4 gaming machine venue;
- Existing Class 4 venues may not increase the number of gaming machines that exist at the date of this policy.

4. MERGED CLUBS

Where clubs holding a Class 4 Gaming Venue licence decide to merge, the maximum number of gaming machines allowed will be thirty (30), or the sum of the machines operating in the merged clubs prior to the merger, whichever is the lesser.

5. CLASS 4 VENUES - VACATION OF PREMISES – RELOCATION POLICY

A Class 4 venue that is forced to vacate it's existing venue through no fault of it's own, or chooses to relocate (because the current venue is deemed to be earthquake-prone; the current lease has come to an end; the venue is required to move due to public works acquisition; or the venue wishes to relocate to a new or refurbished premises) will be granted a consent to continue it's gaming activity in another venue or rebuilt premises for the same number of machines that they were licensed to operate subject to –

1. The current Class 4 venue operator is intending to and will be conducting Class 4 gambling at the new location,
2. The vacated site will not be able to be used by any other Class 4 operator to operate Class 4 Gambling,
3. The Class 4 operator and venue operator are the same as those cited in the venue agreement for the existing venue and the proposed new venue,
4. The Class 4 operator has been conducting class 4 gambling at the exiting venue within the last 4 weeks,
5. Any new Class 4 Venue, temporary or permanent, will not be located closer than 150 metres to schools, Early Childhood Centres, kindergartens, places of worship, and other community facilities,
6. Any new Class 4 Venue, temporary or permanent, must be located in the District where Class 4 venues are a permitted activity under the Horowhenua District Plan or where a resource consent to undertake the activity proposed is granted.

6. ADOPTION, COMMENCEMENT AND REVIEW

This policy was adopted at the duly notified Council meeting held on 5 November 2014, and after completion of the special consultative procedure, and takes effect from 6 November 2014.

This policy will be reviewed in conjunction with the TAB Venue Policy within three (3) years of being adopted by Council.

GAMBLING CLASS 4 VENUE POLICY 2011

1. INTRODUCTION

The Gambling Act 2003 required Horowhenua District Council to develop with its communities, and subsequently adopt, a policy on Class 4 gambling venues, i.e. pokie machine sites. The policy was adopted by Council on 17 March 2004.

This policy has now been reviewed as required by the Gambling Act 2003, and the Policy is limited to Class 4, non-casino, gambling machine (pokie) venues.

The Council has determined that a 'sinking lid' gambling venue policy will be used to control and, in time, reduce the number of Class 4 gaming machine venues in the District.

The 'sinking lid' policy will not permit the establishment of new Class 4 gaming machine venues and it will not permit gaming machine societies to increase the number of gaming machines in the District.

2. OBJECTIVES OF THE POLICY

The objectives of this policy are:

- To control gaming machine gambling in the Horowhenua District;
- To cap the number of gaming machines in the Horowhenua District;
- To cap the number of Class 4 gaming machine venues in the Horowhenua District;
- To reduce the number of gaming machines through attrition (this does not affect repair and/or replacement of existing gaming machines);
- To prevent and minimise the harm caused by gambling;
- To facilitate community involvement in decisions about gambling;
- To recognise there are negative social, economic and health impacts from problem gambling.

3. GAMING MACHINES AND GAMING VENUES

The following shall apply as the policy of the Horowhenua District Council:

- No additional Class 4 gaming machine venues are to be established in the Horowhenua District;
- All gaming machines as at the date of adoption of this policy may continue until such time as the venue does not hold a licence for gaming machines;
- If a venue has not held a licence for gaming machine gambling within the last six (6) months, the District Council will not allow the re-establishment of a Class 4 gaming machine venue;
- Class 4 venues are able to relocate to an alternative venue and are able to operate the existing number of machines, or nine (9), whichever is the lesser. The venue site proposed for relocation will not be closer than 150 metres to schools, Early Childhood Centres and the like, and can only be located in the District where Class 4 venues are a permitted activity under the Horowhenua District Plan or where a resource consent to undertake the activity proposed is granted.
- Existing Class 4 venues may not increase the number of gaming machines that exist at the date of this policy.

4. **MERGED CLUBS**

Where clubs holding a Class 4 Gaming Venue licence decide to merge, the maximum number of gaming machines allowed will be thirty (30), or the sum of the machines operating in the merged clubs prior to the merger, whichever is the lesser.

5. **CLASS 4 VENUES - VACATION OF PREMISES**

A Class 4 venue that is forced to vacate it's existing venue through no fault of it's own, ie, an act of God such as a fire, will be granted a consent to continue it's gaming activity in another venue or rebuilt premises at the same location for the same number of machines that they were licensed to operate before the act of God occurred, subject to –

1. The current Class 4 venue operator is intending to and will be conducting Class 4 gambling at the new location,
2. The vacated site will not be able to be used by any other Class 4 operator to operate Class 4 Gaming,
3. The Class 4 operator and venue operator are the same as those cited in the venue agreement for the existing venue and the proposed new venue,
4. The Class 4 operator has been conducting class 4 gambling at the exiting venue within the last 4 weeks,
5. Any new Class 4 Venue, temporary or permanent, will not be located closer than 150 metres to schools, Early Childhood Centres and the like,
6. Any new Class 4 Venue, temporary or permanent, must be located in the District where Class 4 venues are a permitted activity under the Horowhenua District Plan or where a resource consent to undertake the activity proposed is granted.

Note : An Act of God, does not include matters such as normal building demolition, termination of lease, and the like.

6. **ADOPTION, COMMENCEMENT AND REVIEW**

This policy was adopted at the duly notified Council meeting held on _____, and after completion of the special consultative procedure, and takes effect from

This policy will be reviewed in conjunction within three (3) years of being adopted by Council.

HOROWHENUA DISTRICT COUNCIL

GAMBLING VENUE POLICY

1. INTRODUCTION

The Gambling Act 2003 required Horowhenua District Council to develop with its communities, and subsequently adopt, a policy on Class 4 gambling venues, i.e. pokie machine sites and TAB outlets. The policy was adopted by Council on 17 March 2004.

This policy has now been reviewed as required by the Gambling Act 2003, and the Policy is limited to Class 4, non-casino, gambling machine (pokie) venues and New Zealand Racing Board owned TAB outlets.

The Council has determined that a 'sinking lid' gambling venue policy will be used to control and, in time, reduce the number of Class 4 gaming machine venues and TAB outlets in the District.

The 'sinking lid' policy will not permit the establishment of new Class 4 gaming machine venues or TAB outlets and it will not permit gaming machine societies to increase the number of gaming machines in the District.

2. OBJECTIVES OF THE POLICY

The objectives of this policy are:

- To control gaming machine gambling and TABs in the Horowhenua District;
- To cap the number of gaming machines in the Horowhenua District;
- To cap the number of Class 4 gaming machine venues and TAB outlets in the Horowhenua District;
- To reduce the number of gaming machines through attrition (this does not affect repair and/or replacement of existing gaming machines);
- To prevent and minimise the harm caused by gambling;
- To facilitate community involvement in decisions about gambling;
- To recognise there are negative social, economic and health impacts from problem gambling.

3. GAMING MACHINES AND GAMING VENUES

The following shall apply as the policy of the Horowhenua District Council:

- No further Class 4 gaming machine venues and TAB outlets are to be established in the Horowhenua District;
- All gaming machines as at the date of adoption of this policy may continue until such time as the venue does not hold a licence for gaming machines or is a TAB outlet;
- If a venue has not held a licence for gaming machine gambling and TAB outlets within the last six (6) months, the District Council will not allow the re-establishment of a Class 4 gaming machine venue or as a TAB outlet;
- Class 4 venues are able to relocate to an alternative venue and are able to operate the existing number of machines, or nine (9), whichever is the lesser;
- Existing Class 4 venues may not increase the number of gaming machines that exist at the date of this policy.

4. MERGED CLUBS

- Where clubs holding a Class 4 Gaming Venue licence decide to merge, the maximum number of gaming machines allowed will be thirty (30), or the sum of the machines operating in the merged clubs prior to the merger, whichever is the lesser.

5. CLASS 4 VENUES - VACATION OF PREMISES

“THAT a Class 4 venue that is forced to vacate it’s existing venue through no fault of it’s own, ie, an act of God such as a fire, will be granted a consent to continue it’s gaming activity in another venue or rebuilt premises at the same location for the same number of machines that they were licensed to operate before the act of God occurred, subject to –

1. The current Class 4 venue operator is intending to and will be conducting Class 4 gambling at the new location,
2. The vacated site will not be able to be used by any other Class 4 operator to operate Class 4 Gaming,
3. The Class 4 operator and venue operator are the same as those cited in the venue agreement for the existing venue and the proposed new venue,
4. The Class 4 operator has been conducting class 4 gambling at the exiting venue within the last 4 weeks,
5. Any new Class 4 Venue, temporary or permanent, will not be located closer than 150 metres to schools, Early childhood Centres and the like,
6. Any new Class 4 Venue, temporary or permanent, must be located in the District where Class 4 venues are a permitted activity under the Horowhenua District Plan or where a resource consent to undertake the activity proposed is granted.

Note : An Act of God, does not include matters such as normal building demolition, termination of lease, and the like.

6. ADOPTION, COMMENCEMENT AND REVIEW

This policy was adopted on at the duly notified Council meeting held on 13 December 2006, and after completion of the special consultative procedure, and takes effect from 14 December 2006.

This policy will be reviewed within three (3) years after as required by Section 102(5) of the Gambling Act 2003.

HOROWHENUA DISTRICT COUNCIL

GAMBLING VENUE POLICY

INTRODUCTION

The Gambling Act 2003 requires territorial authorities to develop with their communities, and subsequently adopt, a policy on Class 4 gambling venues, i.e. Pokie machine sites and TAB outlets. This policy only applies to gambling venues licensed after 17 October 2001.

1. OBJECTIVES

The objectives of this policy are to:

- ensure that the Horowhenua District Council and the community has influence over the provision of new gambling Class 4 venues, in the district;
- allow those who wish to, and are legally entitled to do so, to participate in Pokie machine or TAB gambling in the district;
- have regard to the social impact of gambling within the district;

having taken account of the views that have been expressed by Class 4 Venue Site Operators, Clubs, NZ Incorporated and the Horowhenua District Community, and other relevant information.

2. GENERAL CONDITIONS TO ESTABLISH CLASS 4 GAMBLING VENUES

The general conditions pertaining to the establishment of Class 4 Gambling Venues in the district are:

2.1 **Primary Purpose.** Gambling must not be the primary purpose of the venue, with each application being considered on its merits. Primary activities against which applications will be considered are:

- venues that are authorised for the sale of liquor, or the sale of liquor and food;
- venues that are authorised for sporting activities; and
- venues authorised for the operation of a TAB.

2.2 **Distance from Schools etc.** Class 4 gambling venues cannot be located close to or adjacent to schools, early childhood centres, kindergartens, places of worship, or other community activity as the Horowhenua District Council may determine as relevant. In any case, Class 4 venue applicants will need to demonstrate that the proposed venue will not adversely impact upon the neighbourhood. Each case will be decided on its merits.

2.3 **Distance from Other Venues.** Class 4 Gambling venues will not be so located as to provide a concentration of gambling venues. Each application will be considered on its merits.

2.4 **Visibility from the Street.** Whilst venues may be visible by way of advertising signage, gaming machines being visible from the street is prohibited.

2.5 **Appropriate Places.** Class 4 gambling venues and TAB outlets may be located in the district where they are a permitted activity under the Horowhenua District Plan or where a resource consent to undertake the activity proposed is granted.

3. **OVERALL CAP ON NUMBERS OF POKIE MACHINES IN THE DISTRICT**

3.1 The total number of Pokie machines licensed in the district in any one year may not exceed the ratio of machines per head of population as operating on 18 September 2003 when the Gambling Act received its Royal assent.

3.2 This ratio is calculated using population statistics as supplied annually by Statistics New Zealand and Pokie machine numbers as supplied by the Department of Internal Affairs.

NOTE: As at 30 June 2003 this ratio is 1:132.

4. **NUMBER OF POKIE MACHINES TO BE ALLOWED**

4.1 Subject to the restriction on number of machines in 3.1 above.

- New venues shall be allowed a maximum of nine Pokie machines.
- Existing venues, with licences issued **after** 17 October 2001 and operating fewer than nine Pokie machines, shall be allowed to increase the number of machines operated at the venue to nine.
- Existing venues, with licences issued **before** 17 October 2001 and operating fewer than 18 Pokie machines shall **not** be allowed to increase the number of machines operated at the venue past nine.

4.2 The Act permits that where two or more clubs operating gaming machines merge, the new venue may have 30 machines or the sum of machines operating in the two clubs prior to the merger whichever is the lesser. This is subject to Ministerial and TLA consent. However, the overall ratio of machines per head of population (Clause 3.1 above) will apply, in the consent process considerations and determination.

4.3 In the event that there is an excess of complying applications, where the annual ratio of Pokie machines would be exceeded and a Consent was issued, these applications will be placed on a waiting list in order of receipt, until such time as the application requirement could be accommodated within the annual ratio specified in Clause 3.1 above.

5. **DISTRIBUTION OF GAMING PROFITS**

5.1 The distribution of profits to community groups must be notified at least once annually in the Horowhenua "Chronicle" or equivalent local newspaper.

5.2 Information about the Trust responsible for the distribution of gambling profits will be made available to the public (as required under the Gambling Act 2003) and will include:

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

5.3 A consolidated return is to be provided to the Horowhenua District Council as at 30 September annually, by no later than 31 October of each year, containing the information stated in Clauses 5.1 and 5.2 above. This annual return is to be in respect of the previous 12 month period of 1 October to 30 September.

6. CONSENT APPLICATIONS

6.1 Applications for Horowhenua District Council consent must be made on the approved form and must include:

- Name and contact details of the applicant, trust and trustees;
- Street address of premises proposed and on the Class 4 licence;
- The names of management staff;
- Evidence of primary purpose of the venue;
- A site plan covering both gambling and other activities;
- Details of liquor licence/s applying to the premises;
- A copy of the proposed Harm Minimisation Policy and staff training programme;
- The number of Pokie machines being proposed for the premises;
- Evidence that the activity is a permitted activity in accordance with the Horowhenua District Plan or a copy of the resource consent to undertake the activity proposed.

7. APPLICATION FEES

7.1 These will be set by the Horowhenua District Council from time to time, pursuant to Section 150 of the Local Government Act 2002, and shall include consideration of:

- (i) The cost of processing the application, including any consultation and hearings involved.
- (ii) Any costs associated with monitoring consent conditions of policy rules.
- (iii) The cost of reviewing Gambling Venue Policies.

8. DECISION MAKING ON APPLICATIONS

8.1 The Council decision will be made on applications and the applicant notified of the decision within 30 working days of being received.

8.2 The determination will be made at officer level (delegated authority) and be based against the criteria detailed within this Policy, and if approved will specify -

- number of machines;
- location;
- frequency of distribution of profits notification.

8.3 On matters of discretion or interpretation, the officer will take into consideration:

- (a) the objectives of this Policy;
- (b) the intent of the specific rule within this Policy;
- (c) the object of the Gambling Act 2003.

8.4 If an applicant is unhappy with the Council's determination they are entitled to appeal the matter to the Hearings Committee of the Council. The appeal period will **not** form part of the 30 working days requirement to determine a consent application.

9. ADOPTION AND COMMENCEMENT

this Policy is to be adopted during March 2004 at a duly notified Council meeting after completion of the special consultative procedure, and will take effect from the date of adoption by Council.

10. REVIEW

This Policy will be reviewed within one year of it taking effect and thereafter triennially.