

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY CASINO MANAGEMENT LIMITED** and **OTAGO CASINOS LIMITED** to relinquish part of the premises at the Wharf casino

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
L M Hansen
D C Matahaere-Atariki
W N Harvey
S C L Pearson

Date of Application: 27 June 2019

Date of Decision: 6 September 2019

Date of Notification
of Decision:  September 2019

**DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED
AND OTAGO CASINOS LIMITED TO RELINQUISH PART OF THE PREMISES
AT THE WHARF CASINO**

Application

1. SKYCITY Casino Management Limited ("**SCML**") and Otago Casinos Limited ("**OCL**") (together the "**Applicants**" or "**SKYCITY**") have applied to the Commission, pursuant to section 139(1)(d) of the Gambling Act 2003 (the "**Act**"):
 - (a) to vary licence conditions 4, 5, 6, 7, 8 and 23 of OCL's venue licence; and
 - (b) to vary licence conditions 4, 12 and 41 of SCML's operator's licence for the Wharf casino.
2. The variations, if approved, would mean that certain casino licence conditions no longer apply to parts of the defined Wharf casino venue.
3. Section 140 of the Act provides that the Commission must notify a proposal to vary the conditions of a casino licence the Secretary for Internal Affairs (the "**Secretary**") and other potentially affected persons of any proposed licence condition change. The Commission notified the Secretary, Problem Gambling Foundation ("**PGF**") and Salvation Army Oasis ("**SA**"). It received submissions from all three, together with submissions in reply from SKYCITY.

Licence conditions

4. The relevant licence conditions are set out below with SKYCITY's proposed variations shown in mark-up:

OCL's venue licence

4. In these conditions:

...

Affected Area means that part of the casino venue in respect of which neither OCL as the casino venue licence holder nor SCML as casino operator have any control, more particularly outlined in green on the plan contained in Appendix B to these conditions.

...

5. The Licence Holder shall lodge and maintain with the Commission and the Secretary updated as built architectural floor plans of the Casino Venue (excluding the Affected Area) showing walls, structures and dimensions. Updated as built architectural floor plans shall be lodged with the Commission and the Secretary if the Licence Holder makes alterations to the Casino Venue (excluding the Affected Area) requiring building consent from a territorial authority.
6. The Licence Holder must obtain the approval of the Commission prior to:
- (a) construction or design changes to the Casino Venue, (excluding the Affected Area) ~~and~~ but excluding the back of house area used by staff (unless construction or design changes to this excluded area may impact on matters set out in condition 7 in which case prior approval must be sought);
 - (b) the construction or relocation outside the Gambling Area and within the Casino Venue (excluding the Affected Area) of bank facilities available to the public excluding ATMs, EFTPOS and like devices;
 - (c) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue or on or around the building within which it is located.

The process by which the Licence Holder may obtain approval for construction or design changes to the Casino Venue (paragraph (a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b). The Executive Director may approve the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue or on or around the building within which it is located (paragraph (c) above) if he/she is satisfied the proposed changes will have no potentially adverse effects. If he/she is not so satisfied the proposed changes must be referred to the Commission for a decision on approval.

7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of the Casino Venue (excluding the Affected Area). Notification must be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:
- (a) the integrity and fairness of games;
 - (b) the effectiveness of security and surveillance;
 - (c) harm prevention, harm minimisation and responsible gambling;

- (d) potential access to the Gambling Area by persons under 20 years of age; and
- (e) compliance by any person with the Act, including section 11 of the Act.

The Executive Director may approve the proposed changes to the construction or design if he or she is satisfied that there are no adverse impacts in relation to the matters specified in (a)-(e) above. If the Executive Director is not satisfied, he or she will refer the proposal to the Commission for determination.

8. The Licence Holder shall ensure that:
- (a) gambling activity is not visible from outside the Casino Venue, except where the Authority has approved, or where the Commission may approve otherwise; and
 - (b) there is provision for generation of emergency power to maintain in situations of an interruption to mains power:
 - (i) minimum services to the Gambling Area; and
 - (ii) lighting in highly sensitive areas such as count rooms, ~~surveillance suite~~, cashiering locations and gambling equipment storerooms.
23. The Licence Holder shall allow the Commission or staff of the Commission Secretariat, or any other person authorised by the Commission, to enter and remain in any part of the Casino Venue (excluding the Affected Area) at any time for the purpose of his or her official duties under the Act.

SCML's operator's licence (Wharf casino)

4. In these conditions:

...

Affected Area means that part of the casino venue in respect of which neither OCL as the casino venue licence holder nor SCML as casino operator have any control, more particularly outlined in green on the plan contained in Appendix B to these conditions.

...

12. A maximum of one automatic teller machine is permitted in the Casino Venue outside the Gambling Area. For the purposes of this condition, the definition of Casino Venue does not include the Affected Area. Should any ATM be installed in the Affected Area, the Licence Holder shall be obliged to remove any ATM it has installed in the Casino Venue.
41. The Licence Holder shall allow the Commission or staff of the Commission Secretariat, or any other person authorised by the Commission, to enter and remain in any part of the Casino Venue (excluding the Affected Area) at any time for the purpose of his or her official duties under the Act.

Relevant sections of the Act

5. The relevant sections of the Act are set out below as follows:

139 Conditions of casino licence

- (1) The Gambling Commission may specify the conditions of a casino licence or vary or revoke the conditions of a casino licence in the following circumstances:

- (a) on granting a casino operator's licence;
 - (b) on renewing a casino venue licence;
 - (c) on approving a casino venue agreement or an amendment to it;
 - (d) on application by the holder of the casino licence;
 - (e) on its own initiative or on the request of the Secretary.
- (2) A condition of a casino licence specified under subsection (1)—
- (a) must be consistent with this Act; and
 - (b) must contribute to achieving the purpose of this Act; and
 - (c) must contribute to the efficient and effective administration of this Act; and
 - (d) must not permit an increase in the opportunities for casino gambling; and
 - (e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d).

140 Procedure for specifying, varying, or revoking casino licence conditions

- (1) The Gambling Commission must notify the holder of the relevant casino licence, the Secretary, and any other person who it considers is affected by a proposal to specify, vary, or revoke the conditions of a casino licence.
- (2) Notification under subsection (1) must include—
- (a) the reason for the proposal; and
 - (b) the procedure to be followed before the Gambling Commission makes a decision relating to the proposal.
- (3) The holder of the casino licence, the Secretary, and any other person affected may make written submissions to the Gambling Commission concerning the proposal within 20 working days after the date of the notice under subsection (1) or within any longer period that the Gambling Commission allows.
- (4) The Gambling Commission must consider any submissions made under subsection (3) and may, if it considers it appropriate, seek comment from the casino licence holder on the submissions received from the Secretary or other persons affected.
- (5) The Gambling Commission must notify the holder of the casino licence, the Secretary, and other persons affected of—
- (a) its decision concerning the proposal and the reasons for the decision; and
 - (b) the right to appeal the decision and the process for an appeal.

178 Gambling equipment must be kept in casino venue

- (1) Gambling equipment relating to the operation of a casino must be kept by the holder of the casino operator's licence in the casino venue.
- (2) The Secretary may, on application by the holder of a casino operator's licence,—
- (a) exempt the licence holder from compliance with subsection (1) in respect of specified gambling equipment; and
 - (b) permit the licence holder to temporarily remove specified gambling equipment from the casino venue.
- (3) The Secretary may impose conditions on an exemption or permission under subsection (2) (for example, conditions relating to the security of the equipment or the period of its removal).

Submissions by the Applicants

Introduction

6. The lease for the Wharf casino expires on 8 September 2019 and the landlord, Kopuwai Investments Limited, is unwilling to renew the lease for the entire premises. As a consequence, the Applicants will no longer have access to, or control over, some parts of the casino premises, as defined by the casino venue licence dated 18 June 1999 held by OCL.
7. Although unable to renew the lease for the entire venue, OCL has negotiated a deed of variation which will allow the Applicants to continue to use the gaming area, as currently defined in condition 9 of the casino venue licence ("**Block C**") until 8 September 2021. One of the conditions of securing the extended use of Block C was a requirement to relinquish part of the back of house area of Block A (the "**Affected Area**"). The landlord has indicated that it is unlikely to require immediate possession of the Affected Area immediately on 8 September 2019, with the result that OCL may continue to use the Affected Area until such time as the landlord requires vacant possession. As a result, it is unclear exactly when OCL will be required to vacate the Affected Area (although it is expected to be before the end of 2019).
8. This is the first occasion on which a casino venue licence holder will lose access to parts of the licensed casino venue through failure to renew the lease for the entire venue. Fortunately for the Applicants, the Affected Area does not include the Gambling Area and is not otherwise critical to the operation of the casino. Although it will continue to form part of the defined casino venue, its unavailability to the Applicants should not interfere with ongoing compliance with their regulatory obligations so long as the ambit of certain conditions is reduced to the essential areas over which they continue to exercise control.
9. Under clause 2.06 of the casino venue agreement between OCL and SCML, OCL must not agree to remove or relinquish any part of the premises from the lease without the prior approval of the Commission to the terms of such removal or relinquishment. The terms must include provisions to ensure that future use of the relinquished area remains subject to appropriate restrictions or requirements. As the Affected Area will continue to form part of the defined casino venue, despite the Applicants' lack of access and control, some conditions attached to both the venue and operator's licences require variation in order to ensure that the Applicants can continue to comply with their essential obligations (while the Commission retains control of what is necessary).

10. As the Affected Area will not be used in the critical ongoing operation of the casino, no conditions need to apply to its use. The proposed variations are intended to exclude the Affected Area from the requirements imposed by the current licence conditions.

Licence condition variations

11. The address and description of the casino venue constitutes two distinct areas – Block A (which comprises the “back of house” area) and Block C (which comprises the gambling area).
12. A revised plan showing Block A with an up-to-date configuration of the office space utilised by OCL is attached to the application. The area of Block A in the revised plan highlighted in red represents that part of Block A which OCL will continue to lease up to 8 September 2021. The area of Block A highlighted in green is the Affected Area.
13. The Affected Area includes: a storage room which was originally used as a DIA office before its gambling inspectors were relocated off-site; an unused area which originally functioned as a Surveillance secure control room, but became redundant when surveillance monitoring was moved to the other SKYCITY casinos; a gaming technician’s room; a card storeroom; a room housing the casino’s electronic monitoring system (“Dacom”); a section of the male toilets; and part of a general recreational area used by staff taking breaks.
14. Of these areas, only the room housing Dacom and the card storeroom represent a critical part of the Wharf casino operations. The Secretary recently agreed to a request by SCML to monitor Wharf casino’s gaming machines using the Bally electronic monitoring system located at the Queenstown casino. The deployment of the Bally system from the Queenstown casino will mean that Dacom will no longer be required and the Dacom room will be surplus to requirements.
15. In terms of the card storeroom, the DIA’s Minimum Operating Standards (“MOS”) require casino operators to store sensitive gambling equipment (which includes casino cards) securely. OCL advised initially that it will retain insufficient space to store the cards securely. It acknowledged that, in that event, it would require an exemption from the Secretary, pursuant to section 178(2)(a) of the Act, in order to store the cards at the Queenstown casino and that it intends to seek such an exemption.
16. The gaming technician performs services at both the Wharf and Queenstown casinos and has storage facilities at the Queenstown casino. The Applicants consider that the loss of the storage room at the Wharf casino would not be problematic.
17. In addition, as the Wharf casino no longer requires a surveillance suite (CCTV monitoring now being undertaken off-site), by the proposed variation, it seeks its removal from licence

condition 8(b)(ii) attached to OCL's venue licence. The fact that it could no longer provide either gambling inspectors or Commission staff with access to the Affected Area should not present a problem because the Affected Area will not be used as part of the casino operations and regulators would have no reason to visit it.

18. As a result of the loss of control over areas which are no longer leased by OCL, the Applicants could not prevent a future tenant of the Affected Area installing one or more ATMs in the Affected Area. In the event that an ATM or ATMs were installed in the Affected Area, the proposed variation to condition 12 would require SCML to remove any ATM that it had deployed in the casino venue to give effect (to the extent possible) to the Commission's intended restrictions in this area.
19. In summary, the loss of the Affected Area should not create operational difficulties for either OCL or SCML.

Venue Agreement

20. Clause 2.06 of the varied casino venue agreement between OCL and SCML ("**Wharf Agreement**") approved by the Commission on 29 May 2019 reads as follows:

2.06 Premises Lease. The Owner will not agree to remove or relinquish any part of the Premises from the Premises Lease without the prior approval of the Authority to the terms of such removal or relinquishment. The terms upon which the Owner agrees to remove or relinquish any part of the Premises must include provisions to ensure that any future use of that area is subject to any restrictions or requirements in (i) the Act (including regulations made under the Act), (ii) directions from or conditions imposed by the Authority from time to time under the Act, or (iii) the Licences, which remain applicable to that area.

21. In terms of the Wharf Agreement, OCL is required to obtain Commission approval of the terms by which it relinquishes of any part of the casino venue, and those terms must include provisions to ensure that future use of the relinquished area remains subject to any appropriate restrictions or requirements as set out in the Act, any related regulations, licence conditions and the respective licences.
22. OCL is not agreeing to relinquish the Affected Area, as it was not in a position to refuse to relinquish it once Kopuwai exercised its right as landlord not to renew the lease over the Affected Area. Despite that, OCL addressed the matters set out in clause 2.6 of the Wharf Agreement.

The Act

23. In decision GC08/19 the Commission re-designated the Gambling Area at the Wharf Casino by varying condition 9 of OCL's venue licence. The Gambling Area is now set out

in Appendix A to the Licence and is limited to Block C only. Block A does not form part of the designated Gambling Area.

24. The significance of the earlier re-designation is that the Affected Area was no longer part of the designated Gambling Area, and so was not subject to the age restriction that applies to the gambling areas of a casino. Kopuwai cannot apply to re-designate the Gambling Area to include the Affected Area at a later date, because such applications may only be made by the venue licence holder, OCL. No restrictions or requirements are needed to ensure that the future use of the Affected Area complies with the age restrictions applicable to casinos.
25. The Secretary may specify MOS, pursuant to section 141 of the Act. MOS relate to any matter concerning the day-to-day operation of a casino. MOS specify high level outcomes that casinos must satisfy and create, obligations for Human Resources, Gaming, Cashiering, Security, Host Responsibility, International Business, Surveillance and Revenue Audit. The loss of the Affected Area will have no adverse impact on SCML's capacity to comply with MOS, and no continuing restrictions or requirements will be necessary to ensure that the future use of the Affected Area complies with the MOS.
26. Subpart 6 of Part 4 of the Act sets out the functions of gambling inspectors, including their powers to enter and demand information and seize equipment in a casino venue. The Applicants submit that their loss of access to the Affected Area would not frustrate the ability of gambling inspectors to exercise their powers in performance of their duties, especially as the Affected Area would no longer be used for casino purposes. Certainly the statutory powers do not rely upon licence conditions and no such restrictions or requirements governing the future use of the Affected Area are necessary.
27. OCL has not identified any other issues under the Act or related regulations which might be relevant.
28. In summary, OCL submits that there is no need for the Affected Area to remain subject to licence condition restrictions or requirements to ensure that its future use will comply with the Act and related regulations.

Respective Licences

29. Losing access to the Affected Area does not require any new conditions to ensure that the future use of that area complies with the respective licences. No variation to the Wharf Agreement is required as a result of the loss of access to the Affected Area.

Expiry of lease on 8 September 2021

30. Kopuwai has advised OCL that it will not grant it a lease for any part of the casino venue after 8 September 2021.
31. OCL does not wish to surrender the venue licence upon expiry of the new lease as the it does not expire until 11 September 2024. It acknowledges that the venue licence would be unusable following the expiry of the new lease, but it would be unwilling to surrender it until it had exhausted all possible avenues to realise its value up until the point that it expired. Once OCL loses access to the remaining parts of the casino venue, further variations to the licence conditions would be necessary to avoid regulatory non-compliance. The Applicants intend making a future application for further variations to the licence conditions in anticipation of the expiry of the new lease in 2021.

Submissions by the Secretary

32. The Secretary submitted, in summary, as follows:
- (a) He appreciates that the proposed changes have been forced upon SKYCITY as a result of its inability to renew the lease for the entire premises and agrees that the loss of the Affected Area will not compromise the operation of the casino. He therefore has no objection to the changes proposed to the licence conditions.
 - (b) He confirms that the secure storage of cards outside the casino premises will require an approval granted under section 178(2)(a) of the Act.
 - (c) His prior approval of monitoring electronic gaming machines at the Wharf casino using the Bally system from the Queenstown casino was given in circumstances where Wharf's Dacom monitoring system suffered an outage and could not be restored. If the Applicants want to use the Bally system permanently, a further application to the Secretary will be required.

Submissions by SA

33. SA submitted that the relinquishment of the Affected Area is unlikely to have any negative consequence with regard to gambling harm. It has no concerns with the application provided that the loss of floor space will not impact the gaming area and its functions regarding any harm minimisation initiatives.

Submissions by PGF

34. PGF supported SA's position on the application. However, its position otherwise remains that if the venue cannot operate at a profit, then the business should close.

Applicants' submissions in reply

35. In reply, the Applicants noted that submissions were broadly supportive of their proposal. However, they were surprised by the Secretary's advice that a further application would be necessary for them to deploy the Bally system permanently at Wharf, as he had previously confirmed to them that the Bally system could be used.
36. The Applicants provided the Commission with correspondence from the Secretary to support their contention that they had approval to use the Bally system on a permanent basis.
37. Since submitting their application, Kopuwai had reduced further that part of the back of house area that it was willing to lease to the Applicants, leading to a need to revise the plan of the Affected Area. They provided a new plan to the Commission to correct and clarify the Affected Area.

Analysis

38. The Applicants have applied to the Commission to amend the licence conditions attached to the venue and operator's licences for the Wharf casino. The application follows a decision made by the landlord of the casino premises, Kopuwai, not to lease the entire casino premises to OCL, the casino venue licence holder.
39. OCL and Kopuwai have agreed for OCL to lease the Block C gaming area and part, but not all, of the Block A back of house Area for two years until September 2021. The application to amend the licence conditions is intended to reduce the control imposed by licence conditions over the area that Kopuwai is not prepared to lease to OCL.
40. The Applicants submitted that the reduction in the leased area is not fatal to the continuing operation of the Wharf casino because the parts of the back of house area not being renewed are not essential to the ongoing operation of the casino. In making this submission, the Applicants identified the areas affected by the non-renewal and provided an explanation why their loss was not fatal. The Commission generally agreed with their analysis.
41. The Secretary also agreed with the Applicants' analysis but identified two potential issues for future compliance; namely the loss of the card storeroom (leading to the need to store cards offsite) and the Applicants' intended utilisation of the Bally system located at Queenstown casino, instead of the Dacom system installed in the Affected Area, to monitor Wharf's EGMs, both of which depended on statutory approvals by the Secretary.

42. Section 178 provides that gambling equipment relating to the operation of the casino must be kept by the holder of the casino operator's licence in the casino venue, with subsection 2(a) permitting the Secretary, on application from the holder of the casino operator's licence, to exempt the licence holder from this requirement.
43. In relation to the storage of Wharf's playing cards, the Applicants originally advised that they had insufficient space to store the cards securely at the Wharf casino and acknowledged that they would have to apply to the Secretary for an exemption under section 178(2)(a) of the Act, to store Wharf's cards at the Queenstown casino.
44. Subsequent to the submissions being filed, the Applicants informed the Commission that they will now store the cards at the Wharf casino after all. They stated that, given the very small volume of cards that are used at the Wharf casino, the cards can be stored inside the safe in the Casino's cashier's cage. For that reason, they saw no need to seek an exemption under section 178.
45. In relation to the monitoring of Wharf's EGMs, there was some initial disagreement between the Applicants and the Secretary in relation to the permanent use of the Bally system located at Queenstown casino to monitor the Wharf casino. The Applicants corresponded with the Secretary after he had filed his submission and provided the Commission with a letter from the Secretary which confirmed his satisfaction with the continued monitoring of Wharf's EGMs using the Bally system at the Queenstown casino.
46. It is important to be clear that exemptions under section 178 are matters for the Secretary, not the Commission. To the extent that future compliant operation of the Wharf casino requires exemptions by the Secretary, it is for the Secretary, not the Commission, to decide whether and for how long to grant exemptions. Nothing in the licence conditions imposed by the Commission affects the need for compliance with section 178 or the Secretary's power to grant and revoke exemptions.
47. The Commission makes a similar observation about the jurisdiction to impose MOS and also about the statutory functions and powers of gambling inspectors under sections 332 to 335. Nothing in the amendments that it makes to the casino licence conditions, including the amendments to condition 23 of the casino venue licence and condition 41 of the casino operator's licence, affects the scope of those statutory powers.
48. There being no additional outstanding matters of regulatory concern, the Commission decided, pursuant section 139(1)(d) of the Act, to vary the licence conditions in the manner proposed, with one exception in each case, namely the definition of Affected Area.

49. The proposed definition was primarily framed by reference to a state of affairs, namely the extent of the control of the Applicants over parts of the casino venue, with a supplementary reference to an area marked green on an Appendix B plan. The Commission does not consider it appropriate to designate areas which are critical to the operation of a casino licence by other than a plan attached to the licence (and does not generally consider it appropriate to define areas by reference to a state of affairs). For that reason, the definitions of Affected Area will no longer include a reference to control but will be determined solely by reference to the marked area on the Appendix B plan.
50. The Commission noted that the Applicants intend to make a future application for additional variations to the casino licence conditions prior to the termination of the lease of the remaining parts of the casino venue on 8 September 2021 with the intention of retaining the licences without a right of access to any part of the licensed casino venue. That application will be decided on its merits. Much of the reasoning adopted in this decision will not assist such an application.

Decision

51. The Commission varied licence conditions 4, 5, 6, 7, 8 and 23 of OCL's venue licence, and conditions 4, 12 and 41 of SCML's operator's licence for the Wharf casino, pursuant section 139(1)(d) of the Act. The licence conditions now provide as follows:

OCL's venue licence

4. In these conditions:

...

Affected Area means that part of the casino venue outlined in green on the plan contained in Appendix B to these conditions.

...

5. The Licence Holder shall lodge and maintain with the Commission and the Secretary updated as built architectural floor plans of the Casino Venue (excluding the Affected Area) showing walls, structures and dimensions. Updated as built architectural floor plans shall be lodged with the Commission and the Secretary if the Licence Holder makes alterations to the Casino Venue (excluding the Affected Area) requiring building consent from a territorial authority.
6. The Licence Holder must obtain the approval of the Commission prior to:
- (a) construction or design changes to the Casino Venue, (excluding the Affected Area) and excluding the back of house area used by staff (unless construction or design changes to this excluded area may impact on matters set out in condition 7 in which case prior approval must be sought);
 - (b) the construction or relocation outside the Gambling Area and within the Casino Venue (excluding the Affected Area) of bank facilities available to the public excluding ATMs, EFTPOS and like devices;

- (c) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue or on or around the building within which it is located.

The process by which the Licence Holder may obtain approval for construction or design changes to the Casino Venue (paragraph (a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b). The Executive Director may approve the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue or on or around the building within which it is located (paragraph (c) above) if he/she is satisfied the proposed changes will have no potentially adverse effects. If he/she is not so satisfied the proposed changes must be referred to the Commission for a decision on approval.

- 7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of the Casino Venue (excluding the Affected Area). Notification must be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:
 - (a) the integrity and fairness of games;
 - (b) the effectiveness of security and surveillance;
 - (c) harm prevention, harm minimisation and responsible gambling;
 - (d) potential access to the Gambling Area by persons under 20 years of age; and
 - (e) compliance by any person with the Act, including section 11 of the Act.

The Executive Director may approve the proposed changes to the construction or design if he or she is satisfied that there are no adverse impacts in relation to the matters specified in (a)-(e) above. If the Executive Director is not satisfied, he or she will refer the proposal to the Commission for determination.

- 8. The Licence Holder shall ensure that:
 - (a) gambling activity is not visible from outside the Casino Venue, except where the Authority has approved, or where the Commission may approve otherwise; and
 - (b) there is provision for generation of emergency power to maintain in situations of an interruption to mains power:
 - (i) minimum services to the Gambling Area; and
 - (ii) lighting in highly sensitive areas such as count rooms, cashiering locations and gambling equipment storerooms.

- 23. The Licence Holder shall allow the Commission or staff of the Commission Secretariat, or any other person authorised by the Commission, to enter and remain in any part of the Casino Venue (excluding the Affected Area) at any time for the purpose of his or her official duties under the Act.

SCML's operator's licence (Wharf casino)

- 4. In these conditions:

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Affected Area means that part of the casino venue outlined in green on the plan contained in Appendix B to these conditions.

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12. A maximum of one automatic teller machine is permitted in the Casino Venue outside the Gambling Area. For the purposes of this condition, the definition of Casino Venue does not include the Affected Area. Should any ATM be installed in the Affected Area, the Licence Holder shall be obliged to remove any ATM it has installed in the Casino Venue.
41. The Licence Holder shall allow the Commission or staff of the Commission Secretariat, or any other person authorised by the Commission, to enter and remain in any part of the Casino Venue (excluding the Affected Area) at any time for the purpose of his or her official duties under the Act.

52. A copy of the Appendix B Affected Area is **attached** to this decision.

Right of appeal

53. Pursuant to section 235 of the Act, a person affected by this decision may appeal that decision to the High Court. An appeal must be made within 15 working days of the date of notice of the Commission's decision, or any longer period that the High Court may allow.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

20 September 2019



Appendix B

