



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

8836

8836

Wednesday, 11 October 2023

Woensdag, 11 Oktober 2023

Registered at the Post Office as a Newspaper

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*(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

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Western Cape Gambling and Racing Board

Wes-Kaapse Raad op Dobbelary en Wedrenne • Ibhodi Yelentshona Kapa
Yokungcakaza Ngemali Neyemidyarho

NOTICE 1 OF 2023

NOTICE IN TERMS OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000:

INVITATION FOR COMMENTS ON THE REQUEST FOR APPLICATIONS ("RFA") FOR TYPE B LIMITED PAY-OUT MACHINE ("LPM") SITE LICENCES IN THE WESTERN CAPE

1. The Western Cape Gambling and Racing Board ("the Board") has resolved to proceed with the roll-out of Type B LPMs in the Province.
2. Notice is hereby given to all interested parties that the Board has drafted a RFA for Type B LPM Site licences. This specific RFA relates only to the conversion of a licensed Type A LPM Site to a Type B LPM Site. This will be the initial phase of the roll-out of this category of LPM Site licences. A Type B Site licence will authorise the licence holder to expose a minimum of six (6) and a maximum of 20 LPMs per LPM Site.
3. The RFA can be downloaded from the Board's website at www.wcgrb.co.za or is obtainable from the Office of the Board at 100 Fairway Close, Parow, 7500.
4. Written comments and representations must be forwarded to the following address and contact details:

Mr Primo Abrahams
The Chief Executive Officer
Western Cape Gambling and Racing Board
100 Fairway Close
Parow
7500

P O Box 8175
Roggebaai, 8012
Telephone Number: (021) 480 7400
E-mail: cems@wcgrb.co.za

5. Comments should reach the Office of the Board within 30 (thirty) calendar days from the date of publication in the Provincial Gazette. Comments received after the closing date may be disregarded.
6. Persons lodging comments or representations should provide clear contact details and personal particulars, i.e. name, telephone number, facsimile number or email address.

7. For enquiries, please contact:

Mr Robin Bennett
Head of Department: Regulatory Compliance
100 Fairway Close
Parow, 7500
Telephone number: (021) 480-7400
E-mail address: robin@wcgrb.co.za



**Western Cape
Government**

Western Cape Gambling and Racing Board

Wes-Kaapse Raad op Dobbelary en Wedrenne • Ibhodi Yelentshona Kapa
Yokungcakaza Ngemali Neyemidyarho

KENNIS 1 VAN 2023

KENNISGEWING INGEVOLGE DIE WET OP DIE BEVORDERING VAN ADMINISTRASIEGEREGTIGHEID WET 3 VAN 2000

UITNODIGING VIR KOMMENTAAR OP DIE VERSOEK OM AANSOEKE (“RFA”) VIR TIPE B BEPERKTE UITBETALINGSMASJIENE (“LPM”) TERREINLISENSIES IN DIE WES-KAAP

1. Die Wes-Kaapse dobbel- en wedrenraad (“Die Raad”) het besluit om voort te gaan met die ontplooiing van Tipe B LPM’s in die Wes-Kaap.
2. Kennis word hiermee aan alle partye gegee dat die Raad 'n RFA vir Tipe B LPM-terreinlisensies opgestel het. Hierdie spesifieke RFA hou slegs verband met die omskakeling van 'n gelisensieerde tipe A LPM-werf na 'n Tipe B LPM-werf. Dit sal die aanvanklike fase wees van die uitrol van hierdie kategorie van die LPM-terreinlisensies. 'n Tipe B terreinlisensie sal die lisensiehouer magtig om 'n minimum van ses (6) en 'n maksimum van 20 LPM per terrein bloot te stel.
3. Die RFA kan afgelaai word vanaf die Raad se webwerf by www.wcgrb.co.za of is verkrygbaar by die Kantoor van die Raad by 100 Fairway Close, Parow, 7500
4. Geskrewe kommentaar en vertoë moet na die volgende adres en kontakbesonderhede gestuur word:

Mnr Primo Abrahams
Die Hoof Uitvoerende Beampte
Wes-Kaapse Dobbel- en Wedrenraad
100 Fairway Close
Parow
7500

POSBUS 8175
ROGGEBAAI, 8012
TELEFOON NOMMER (021) 480 7400
EMAIL: CEMS@WCGRB.CO.ZA

5. Kommentaar moet die Kantoor van die Raad bereik binne 30 (dertig) kalenderdae vanaf die datum van publikasie in die Provinsiale Koerant. Kommentaar wat na die sluitingsdatum ontvang word, kan buite rekening gelaat word.

6. Persone wat kommentaar of versoë indien, moet duidelike kontakbesonderhede en persoonlike besonderhede verskaf, dit wil sê naam, telefoonnommer, faksimileenommer of e-posadres.
7. Vir navrae, kontak asseblief:

Mnr Robin Bennett
Departementshoof: Reguleringsnakoming
100 Fairway Close
Parow
7500
TELEFOON NOMMER (021) 480-7400
E-pos adres
robin@wcgrb.co.za



**Western Cape
Gambling and Racing Board**
Wes-Kaapse Raad op Dobbelary en Wedrenne • Ibhodi Yelentshona Kapa
Yokungcakaza Ngemali Neyemidyarho

PUBLIC NOTICE

Request For Applications (“RFA”)

Type A Limited Payout Machine (“LPM”) Site Operators to submit application for a Type B LPM Site

1. The Western Cape Gambling and Racing Board (“the Board”) hereby invite the Type A licensed LPM Sites, through the relevant LPM Operators to submit applications for Type B LPM Sites.
2. The evaluation criteria and submission requirements are outlined in the RFA document issued by the Board. The RFA can be downloaded from the Board’s website at www.wcgrb.co.za
3. Completed applications that meet all criteria specified in the RFA shall reach the office of the Board on or before the closing date and must be submitted in the manner and form so required.

**Request For Applications (“RFA”)
Type A Limited Payout Machine (“LPM”) Sites Operators to submit applications for a
Type B LPM Site**

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1. CONTEXTUALIZATION

1.1 DEFINITIONS

Unless the context clearly indicates otherwise, the following definitions shall be applicable to the contents of this RFA:

“ACT” means the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), as amended.

“BBBEE” means Broad-Based Black Economic Empowerment as envisaged in the Broad-Based Black Economic Empowerment Act No.53 of 2003 and the Codes of Good Practice on Black Economic Empowerment, issued under section (1) of the Broad-Based Black Economic Empowerment Act, as amended from time to time.

“BOARD” means the Western Cape Gambling and Racing Board, established in terms of section 2 of the Act.

“CENTRAL MONITORING SYSTEM” means the central electronic monitoring system in respect of limited payout machines contemplated in section 27 of the National Gambling Act, Act 7 of 2004 as amended.

“DESIGNATED AREA” means an area within licensed premises where any gambling game is available to be played;

“GAMBLING EMPLOYEE LICENCE” A gambling employee license is required by every person, excluding a key employee, who, in the Province, is employed by the holder of a principal license contemplated in section 56 of the Act, and who is directly involved in the activities performed under such principal license.

“GOVERNMENT” means the Western Cape Provincial Government.

“KEY EMPLOYEE LICENCE” a key employee license is required by every executive or agent of, or any person in the employ of the holder of any licence issued under this Act (“the principal licence”) with the exception of licences issued in terms of this section and section 57 of the Act, who may exercise direct control over gambling operations or the activities authorized by the principal licence or such other person, whom the Board may identify, who may exercise control over any premises where gambling is conducted pursuant the Act.

“LICENCE HOLDER” means a person who holds a valid site licence issued in terms of the Act.

“MINOR” means a person under the age of 18 years.

“NATIONAL ACT” means the National Gambling Act, 2004 (Act no. 7 of 2004).

“NATIONAL REGULATIONS” means the Regulations promulgated in terms of the National Gambling Act

“NPDI”- Means Non- previously disadvantaged individual.

“PDI” mean Previously Disadvantaged individual comprising African, Coloured and Indian people as defined in the Black Economic Empowerment Act No.53 of 2003.

“PERSON” includes both a natural and a juristic person.

“PREMISES” means the designated area of any licensed limited payout machine premises, as defined in the National Gambling Regulations

“SITE LICENCE” means a limited payout machine premises license referred to in section 47 of the Act.

“PROVINCE” means the Province of the Western Cape as referred to in section 103 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996).

“**REGIONS**” means one of the five Regions being the Metropole, West Coast, Breede Valley, Southern Cape and Overberg.

“**REGULATIONS**” means the Western Cape Gambling and Racing Regulations, made in terms of section 81 of the Act.

“**RFA**” means this Request for Applications.

“**RULES**” means the rules made in terms of section 82 of the Act.

“**SANS**” means standards set by the South African National of Standards, specifying the technical requirements for gambling equipment.

“**TYPE A LPM SITES**” means a LPM Site licensed by the Board to make available no more than five LPMs for purposes.

“**TYPE B LPM SITES**” means a LPM Site licensed by the Board to make available more than five but not more than 20 LPMs for gambling purposes.

1.2 INTRODUCTION

The Board was established in terms of Section 2 of the Western Cape Gambling and Racing Act, with its primary objective being to regulate all gambling and racing and activities incidental thereto in the Province of the Western Cape. The Board is in casu mandated to issue the licences outlined in Section 27 of the Act. This RFA seeks to invite the Type A LPM Site Owners, through the two licensed LPM Operators, to apply for a Type B LPM Site Licence.

The broad objectives sought to be advanced by the issuance of this RFA are the following:

- To ensure that all forms of gambling conducted in the Province are effectively and closely regulated, engendering public confidence and trust in the industry;
- To enhance economic growth and development in the Province, particularly through the stimulation of the small and medium-sized business sectors;

- To economically empower historically disadvantaged communities;
- To create lawful and socially responsible forms of entertainment that is accessible to all communities of the Province;
- To promote entrepreneurship;
- To protect the public against unscrupulous operators, through the licensing and advancement of lawful gambling operators that adhere to the strict legal and regulatory requirements enforced by the Board;
- To eliminate unlawful gambling operations; and
- To generate additional fiscal revenue for the Province.

The attainment of these goals will ensure that the regulated gambling industry in the Province will stimulate economic and entrepreneurial activity in the Western Cape while advancing social upliftment and ensuring that the potentially negative effects of gambling on the communities of this Province are minimized.

1.3 PURPOSE AND FORMAT OF THE RFA

This RFA serves to invite interested Type A LPM Site Owners to apply, through the two licensed LPM Operators, for Type B LPM Site Licences. The purpose of the RFA is to furnish all prospective applicants with a clear indication of the criteria which will underpin the licensing of Type B LPM Sites and to acquaint applicants with the nature of the licensing process.

1.4 REQUESTS FOR INFORMATION OR CLARIFICATION OF THE RFA

Requests for information or clarification of this draft RFA shall be submitted in writing and delivered to:

The Chief Executive Officer
Western Cape Gambling and Racing Board
100 Fairway Close
Parow
7500

Or sent via email to RFA compliance@wcgrb.co.za

2. GENERAL APPLICATION REQUIREMENTS

2.1 LEGAL FRAMEWORK

Prior to submitting their applications in response to this RFA, all prospective Applicants shall fully acquaint themselves with all legal prescripts governing the licensing and regulation of gambling including, but not limited to, the National Gambling Act, 2004 (Act No 7 of 2004) and the Regulations passed thereunder, the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) and the Regulations passed thereunder.

Applicants shall specifically take note of the following provisions contained in the Act:

- Kinds of licenses (section 27);
- Qualification for licenses (section 28);
- Disqualification in respect of employment licenses (section 29);
- Disqualifications and restrictions in respect of other licences (section 30);
- Liabilities for costs of and consent to hearings, investigations or enquiries (section 34);
- Consideration of licence applications (section 35);
- Conditions applicable to licences (section 37);
- Duration and renewal of licences (section 40);
- Restrictions on transferability of licences (section 41);
- Suspension or revocation of licenses (section 42);
- New licence application, annual licence and investigation fees (section 44);
- Site license (section 47);
- Key and gambling employees (sections 56 and 57);
- Financial interest (section 58);
- Gambling devices (section 60);
- Imposition of taxes and levies on gambling and betting (section 64);

The Board wishes to emphasize that, in terms of regulation 6 of the Regulations passed in terms of the Act, any licence, registration, finding of suitability or approval which is issued,

made or granted by the Board is deemed a revocable privilege contingent upon continuous suitability for licensing, registration, finding of suitability or approval.

2.2 MAXIMUM NUMBER OF LICENSES TO BE ISSUED

While the Board has not determined a maximum number of Type B LPM Site Licences, the number of LPMs rolled out at this juncture in the industry is limited by the maximum number of LPMs that each LPM Operator is permitted to roll out. Further limitations within a specific geographical area may also be considered should it be determined that the operating of additional LPMs in a specific area or region may negatively impact the community, or for other social or economic reasons as determined by the Board.

2.3 TRANSFORMATION OBJECTIVES

The Board determined that, it will be a pre-condition that NPDI Applicants for a Type B LPM Site License must have a minimum of 25% shareholding in the LPM side of the business, held by South African PDIs, which shareholding shall comprise the full facets of ownership as espoused in the BBBEE Act, viz ownership, voting rights and economic interest. At the time of approval of the application by the Board, the Board must have satisfactory proof of the minimum shareholding held by PDIs. Should the terms of funding for the shareholding acquired by PDIs be such that it will be funded by dividends paid by the licence holder, the repayments (deductions from the dividends due and payable) shall not exceed 3 years in total. The final stipulation is that the deductions from the dividends as previously mentioned shall not exceed fifty percent (50%) of the total dividends payable to each PDI over the 3-year period. The PDI acquisition of a financial interest in the businesses accords with the spirit and intent of the BBBEE Act, which Applicants are invited to consider in this regard.

2.4 DURATION OF LICENCE

As per the Act, a license is valid for a period of 12 months, where after the licence holder must renew its license annually, subject to its continued suitability, compliance with the Act and payment of the prescribed license fees.

2.5 INCOMPLETE APPLICATION AND / OR APPLICATIONS CONTAINING MATERIAL MISREPRESENTATIONS

Incomplete applications that do not meet the criteria either specified in this RFA or as required by law, will not be considered by the Board and further correspondence may be entered into with such Applicants. Withholding and / or misrepresenting information constitutes a legal basis for refusal of an application.

2.6 COMMENCEMENT OF OPERATIONS

A licence holder shall not commence with gambling operations on the licensed site, unless such premises have been finally inspected and the Board has granted written approval for the commencement of gambling thereon.

3. ASSESSMENT CRITERIA

Applications will be assessed for compliance with the assessment criteria outlined below.

3.1 SUITABILITY CRITERIA

The Act, the National Act and Regulations outline the suitability criteria that all Applicants and associated natural persons and entities must meet in order to qualify for a license. Associated entities refer to those natural and legal persons that hold a financial interest of five percent or more in a license holder. Such associated entities and persons are also required to be found suitable, where after the Board issues a Certificate of Suitability. The suitability criteria as per the Act includes *inter alia*:

- Compliance with the law;
- Criminal history and prior convictions;
- Taxation compliance history; and
- Good character and integrity of key persons.

Similarly, premises are by law required to be suitable for the intended gambling and related activities. Section 35 of the Act mandates the Board to refuse an application if the premises is considered undesirable within the specific geographical environment, with reference to inter alia social, religious, educational and land-use aspects. As a general guideline, the following premises may be undesirable and it would prove best to avoid premises falling into either of the categories listed below:

- Cafés;
- Supermarkets;
- Liquor off-sales stores;
- General dealers;
- Video arcades;
- Fast food outlets;
- Premises in direct line of sight or within close proximity to educational facilities for minors and / or places of worship;
- A theatre, cinema, museum or other place of culture;
- A private home;
- A petrol or diesel station;
- A school, university or college;
- A church, mosque or other places of worship; or
- Any other premises considered by the Board to be undesirable.
- Laundromats
- Shopping Malls

3.2 COMPLIANCE WITH RFA CRITERIA

The Board shall evaluate the extent to which Applicants comply with the criteria outlined in this RFA. The Board shall, within its sole discretion, refuse or deny applications that do not conform with or comply with the criteria outlined in this RFA.

PART 4: APPLICATION AND LICENSING PROCESS

4.1 PRESCRIBED APPLICATION FORMS

The following prescribed application forms may be required to be completed by the Applicant, depending on the licensing renewal status of such Applicant:

- (i) Business History Disclosure Form
- (ii) Personal History Disclosure Form

Applications must be submitted on the prescribed application forms. All prescribed forms are obtainable from the Western Cape Gambling and Racing Board website at: <https://www.wcgrb.co.za/>. All supporting documentation as required on the prescribed forms must be included as part of the application, failing which the application will be considered incomplete and thus invalid. The Board will request further additional information from Applicants, if and where required.

4.2 APPLICATION TO LIE OPEN FOR INSPECTION

4.2.1 Each application shall lie open for public inspection at the Office of the Board for a period of 30 days. Members of the public are informed of the period for public inspection through a newspaper advertisement published in *the Provincial Gazette* and one newspaper circulating in the area where the proposed premises where the gambling operations will be conducted is situated. The application details are therefore duly advertised in the media and interested parties are invited to submit comments and/ or objections to the Board pertaining applications advertised as such and during the period specified.

4.2.3 While the Applicants may be required to submit applications, through the relevant LPM Operator, electronically, a non-confidential Library Copy must also be included to be made available for public scrutiny. Applicants may, by law, remove confidential information from the inspection copy that will lie open for public inspection. The non-confidential document shall be clearly marked "For public inspection only".

4.3 PUBLIC HEARINGS

Before deciding whether to grant any licence, the Board may convene a public hearing to consider aspects of all application. Such hearing, shall be conducted in the manner determined by the Board. Applicants may be required to answer questions posed by the Board or and respond to objections raised by the public during the said hearings or during the formal written objections period prescribed by law. Applicants are liable for all Board fees, costs and disbursements occasioned by the public hearing.

4.4 SUBMISSION OF APPLICATIONS

Applications shall be submitted via email to licencing@wcgrb.co.za

5. PRINCIPLES APPLICABLE TO TYPE B LPM SITE LICENCES

5.1. NUMBER OF LIMITED PAYOUT MACHINES PER PREMISES

The National Regulations provide that, as a rule, the maximum number of limited gambling machines per individual Premises shall be five. However, the Regulations provide further that, in certain instances the National Gambling Board (“NGB”) may approve applications, placed before it by a provincial licensing authority, for Premises upon which more than five but not in excess of 40 limited payout machines are exposed for play. Applicants should take note of the requirements to submit applications considered for a Type B LPM Site License to the NGB. The Type B LPM Site Licence will permit the Site to expose for public play between 6 and 20 LPM’s. The applicant, through the LPM Operator must stipulate the specific number of LPMs to which such application relates, failing which such determination will be made by the Board should the licence be awarded

5.2 LIMITED GAMBLING MACHINE SITES –LICENSING PROCESS AND CRITERIA

The licensing of limited payout machine premises will be conducted on a phased basis, which the first being the Type A LPM Sites who wish to apply for a Type B Licence to which this RFA relates.

The Board regards the exposure for play of an excessive number of limited gambling machines in the Western Cape as undesirable. The rights of those who wish to participate in gambling needs to be balanced against the rights of those who are opposed to the practice of gambling. The Board is concerned to guard against over stimulation of the latent demand for gambling and is committed to upholding its responsibility to protect the public in this regard. For these reasons, the Board has decided that only certain types of Premises should qualify for Site Licenses, and the exposure for play and use of limited gambling machines will accordingly be confined to such categories of Premises. Over and above the contents of the Regulations in this regard, the Board has adopted the following principles:

- The primary function of the Premises must be to provide leisure, recreation or entertainment.
- The area in which the machines are to be placed should be accessible only to persons of the age of eighteen years or older.
- The playing of limited payout machines on the premises must constitute the secondary form of leisure, recreation or entertainment provided on such premises.
- All business conducted on the premises must be lawful and registered for tax purposes. This implies that the premises on which the primary business is conducted should have been granted the necessary approval for the conduct of such business.
- A liquor license shall not be a pre-requisite, for a Site license.

Applicants should also consider the following:

- Proof must be submitted that the premises comply with the relevant local authority requirements.

- Proof is required that the premises comply with the criteria -set by the Board and are consistent with the requirements contained in regulation 25 and the applicable National Gambling Regulations.
- Proof must be furnished that the Site Owner, who will conduct the ancillary business of the gambling establishment on the premises on a day-to- day basis, is registered with the South African Revenue Services for all applicable taxes in respect of the primary business.
- A notice, which is clearly visible and legible, shall, at a juncture to be determined by the Board, be affixed to the entrance to the proposed Site stating clearly the intention of the establishment to increase in the LPM's and providing an address to which objections can be forwarded for a period of 21 days commencing on the date of publication of such notice.

The Board will consider license applications for LPM Type B Sites as follows:

	Licenced LPM Sites applying for a Type B LPM Site Licence		Date to be determined
1	Metropole	Existing Type A Site	Upon issue of the final RFA (phase 1)
2	Overberg	Existing Type A Site	After phase 1 is completed (phase 2)
3	Breede Valley	Existing Type A Site	After phase 2 is completed (phase 3)
4	West Coast	Existing Type A Site	After phase 3 is completed (phase 4)
5	Southern Cape	Existing Type A Site	After phase 4 is completed (phase 5)

After the 5 phases have been completed, the Board will issue an RFA to consider Type B LPM Site applications for new market entrants.

5.3 APPLICATIONS PURSUANT TO THIS RFA ARE NEW LICENCE APPLICATIONS

- It should be known that the application for a Type B LPM Site Licence is a new application for a licence and all the relevant mandatory fees per application would apply.
- An application should clearly state the number of LPM's being applied for as the licence, if issued will be specific as to the number of LPM's that is permissible in the licence conditions.
- While the Board may approve the licence allowing the LPM Site to operate up to 20 LPMs, the initial number will be limited to that which has been applied for or such reduced number determined by the Board as a consequence of the investigation/probity of the application.
- While the LPM Site will have the option to increase the operational LPMs to the maximum of 20 LPMs, it can only be done in terms of the Board's approved process.
- In instances where an existing agreement is in place with the LPM Operator and the Site Owner wishes to apply for a Type B LPM Site with another LPM Operator, such applications may be delayed due to the additional vetting and confirmations required.
- The Board will not manage the contractual obligations or issues arising out of the agreement between the LPM Operator and the Site Owner relating to Type B LPM Site application.

5.4 STANDARD OF PREMISES

In considering the licensing of the Site and, with a view to ensuring acceptable standards and preventing over-stimulation of the latent demand for gambling, the Board will apply the following criteria:

- The Site must comply with all applicable local authority health and safety regulations.
- The layout of the Site must be such as to preclude access to the gambling area persons under the age of eighteen years.

- The limited gambling machines must not be visible to the public from outside the Premises.
- Any signage advertising the limited gambling machines available for play on the Premises will be subject to the Board's approval, based on conformity with the requirements for and standards regarding advertising contained in the Regulations and General Rules.
- Premises and the management thereof shall comply with all lawful requirements in respect of the activities to be conducted thereon.
- Adequate security should exist at the Site.
- The Premises must have the capacity to link up with the central monitoring system.
- The Premises shall be immovable.
- The interior decoration must be of an acceptable standard and the gambling area should not be less than 3 square meters per limited gambling machine
- Applicants must meet all the minimum requirements upon submission and conditional approvals should be considered.
- All applications will be submitted by the Board to the National Gambling Board as per legislation, upon completion of the investigation.
- The Site will have a minimum of 25% black ownership in the LPM part of the business for NPDI owned businesses
- The premises must be able to accommodate the additional LPM's as per the required floor space for each LPM.
- The LPMs will all be located in one area within the premises or in such a manner that will ensure effective supervision where LPMs are not located in one area in the premises
- The current municipal by laws, business licence conditions as well as the smoking laws shall be applicable.
- Liquor licences should be in the name of the entity, which is making the application.
- The increase in LPMs would mean an increase in cash as the premises and therefore adequate security would be required.
- It is important that a number of Type B LPM Sites within close proximity of each other may be detrimental to the business operations of a Type A LPM Sites in the same areas. This is a matter that will be monitored closely and where LPM

Operations for applications in specific areas require motivation, such will be requested.

- The application for a Type B LPM Site should demonstrate the creation of employment and not merely extending the duties of existing employees.
- The following minimum positions (additional or new employment) would be required with the additional LPMs:

No. of LPMs	Employment Positions
6 – 10	2
11 – 15	3
16 - 20	4

- In addition the above minimum positions created, the Applicant may require additional cashiers, security and surveillance personnel.
- This shall be determined based on each application, nature of the operations as well as the layout of the business activities as set out in the floor plan.

5.5 GEOGRAPHIC DISTRIBUTION OF PREMISES THROUGHOUT THE PROVINCE

The maximum LPM's to be operational in each region shall be determined by the licence conditions of the LPM Operator and subject to the relevant approval of the Board.

5.6 DISPLAY OF PRIZES

All winning combinations, together with the corresponding prizes, must be clearly displayed or be easily accessible to the player, on every limited gambling machine exposed for play.

5.7 RETURN TO PLAYER

Limited gambling machines exposed for play in a competitive market must have a theoretical and demonstrable return to the player of not less than 80%.

5.8 LICENSING OF EMPLOYEES

The licensing of employees will take place in accordance with the provisions of sections 56 and 57 of the Act. In addition, all persons in control of Site and any other person identified by the Board as such will be regarded as key employees and shall require to be licensed as such.

5.9 ACCOUNTING AND OTHER RECORDS

Operators and Site Owners shall keep such records, submit such audited signed financial statements and render such returns as are prescribed in Chapter 16 of the Regulations and shall abide by such further requirements as the Act, the Regulations, the Rules or the Board may stipulate.

5.10 CREDIT EXTENSION

No LPM Site Owner, nor any other person associated with the licence holder, shall directly or indirectly extend credit to any patron in any form whatsoever for the purposes of participating in any gambling activity at the LPM premises.

5.11 COMPLIANCE WITH NATIONAL STANDARDS

All limited gambling machines offered for play shall comply with all applicable national norms and standards in respect thereof, as set out in SANS specification 1718-2.

5.12 INTERNAL CONTROL STANDARDS

Each LPM Site shall have a set of Internal Control Standards.

5.13 COMMENCEMENT OF LIMITED GAMBLING MACHINE OPERATIONS

An Operator shall not commence with limited gambling machine operations on licensed Premises, unless such Premises have been finally inspected and written

approval for the commencement of gambling thereon has been granted by the Board in writing.

5.14 DISTRIBUTION OF PROFITS

The agreement with the proposed LPM Site owner shall contain terms regarding the allocation of Profits. The Premises Manager shall be entitled to forty percent of the profits generated by the conduct of the activities authorised by the license, after the subtraction of all taxes payable by the LPM Operator as well as permissible deductions. While there is an option to increase the 60/40% revenue split between the LPM Operator and Site Owner, such different percentage must be authorised by the Board.

The following formula shall be utilized to determine the splitting of the gaming revenue: of

Gross Gaming Revenue

- Less:
- (i) Gaming levy (as per Act & Regulations)
 - (ii) CEMS monitoring fee (as per Service Level Contract with the NGB)
 - (iii) Site Data Logger charge (as per agreement with approved monitoring System)
 - (iv) Insurance

Net Gaming Revenue

Split:	LPM Operator	60% of Net Gaming Revenue
	Premises Manager	40% of Net Gaming Revenue

PART 6: GENERAL TERMS AND CONDITIONS

6.1 GENERAL DISCLAIMER

Every effort has been made to ensure that the information contained in this RFA is complete and correct, but it is the obligation of interested parties to ensure that their

applications are complete, correct and comply with the provisions of the Act in all material respects. In view of the above:

- a) Each applicant shall make its own independent assessment and investigation of the issues required to be dealt with in its application and shall not rely absolutely on the adequacy or accuracy of the information in this RFA;
- b) Neither the Board, its employees nor its agents shall be held liable for anything done in good faith, and
- c) The Board reserves the right to request new or additional information regarding the Applicant or other business associated with it.

6.2 CONFIDENTIALITY

- (i) Subject to advertising, other public processes required by law or the disclosure of information pursuant to its statutory functions, any information relating to the Application and accompanying Proposal and all other information received from the Applicants, shall be treated in strict confidence. Should the need arise or the Board be requested to disclose any information regarded as confidential by Applicants to outside parties, such Applicants will be informed and provided the opportunity to comment prior to the dissemination of such information.
- (ii) Applicants shall not disclose in whole or in part, any details pertaining to their proposals and the process to anyone not specifically involved in their proposals, unless written consent is obtained from the Board prior to such disclosure.
- (iii) In terms of Regulation 9, the Chief Executive Officer of the Board shall keep confidential any documents or information which, in his/her opinion, is confidential or irrelevant for purposes of comment. Applicants shall indicate and motivate in their proposals which information or documentation shall be treated as confidential. In the interests of transparency, honesty and openness, an applicant shall keep to an absolute minimum the information to be so characterized.

- (iv) Applicants shall not issue a news release or make any other public announcement pertaining to details of their proposals or the process without the prior written approval of the Board.
- (v) An Applicant agrees that it shall not be entitled to any information disclosed by other applicants to the Board, which the Board has determined to be of a confidential nature.

6.3 VARIATIONS

The Board may, at its sole discretion, by notice in writing to all applicants, vary, supplement or update any of the contents or terms and conditions applicable to the RFA. It may similarly change procedures, timetables, requirements and any other aspects of or in connection with matters covered in the RFA without being obliged to give any reason for so doing. Any costs and expenses associated with variations shall be for the account of the Applicant.

6.4 NO GUARANTEE BY THE BOARD

The Board does not guarantee that any applicant shall be granted a license, and this RFA shall not constitute an offer of any kind whatsoever to any applicant.

6.5 RECTIFICATION

It shall be the duty of each applicant to advise the Board forthwith in writing of any information contained in the proposal, which the applicant subsequently establishes to be incorrect and to rectify such information. The Board reserves the right to deal with such rectified information as it may deem fit.

6.6 COMPENSATION

The Board shall not under any circumstances be liable to compensate an applicant or any other party for any costs, expenses or losses incurred or suffered by that applicant or any party in evaluating or acting upon the RFA, in supplying any further information

as may be required by the Board, or in submitting an application or otherwise participating in the process.

6.7 BOARD'S RIGHT TO CANCEL THIS RFA

The Board reserves the right to cancel or amend this RFA, or restructure or cancel the process, in the Board's sole and absolute discretion.

6.8 REJECTION

The Board reserves the right to reject any or all proposals at its sole and absolute discretion and to waive any immaterial defect, or lack of compliance with any formality, in any Proposal or Process.

6.9 REFUSAL, SUSPENSION OR REVOCATION OF LICENCE

The Board may, in terms of the Act, refuse, suspend or revoke a license if any information contained in a Proposal should be found to have been false in any material respect or subject to any material omission at the time the information was furnished.

6.10 POSSIBILITY OF CHANGES IN LEGISLATION

Each Applicant shall be aware that the law, legislation, taxation, regulations and directives pertaining to gambling may change from time to time. The Board, its employees or agents shall in no way be held accountable for such changes.

6.11 DISSEMINATION OF INFORMATION AND RETENTION OF MATERIAL

The Board reserves the right to publicly disseminate any information of a non-confidential nature contained in any application. All eligible applications, including all related material, shall become the property of the Board and shall not be returned.

6.12 NO BINDING AGREEMENT

This RFA and the proposal from the successful applicants shall not constitute a binding agreement. The selection of the successful applicants does not mean that such applicants' proposals are necessarily totally acceptable in the form submitted. The Board reserves the right to decline to issue a license to any successful applicant should such successful applicant fail, neglect or refuse to conform with any further or alternate requirements or conditions stipulated by the Board or should any of the information contained in the proposal of such successful applicant be falsified, invalid, or incorrect.

6.13 GOOD FAITH

Applicants shall undertake to act in good faith in all their dealings with the Board, and shall include in their Proposals, a statement of willingness to negotiate in such spirit and to finalise agreements with the Board.

