

## POLICY ON THE NUMBER OF LIMITED PAYOUT MACHINES PER PREMISES

ITEM A-CORP (118-2010)  
CM 2010/10/28

CITY DEVELOPMENT DEPARTMENT: POLICY ON THE APPROVAL OF LIMITED PAYOUT MACHINES TO A MAXIMUM OF 5 MACHINES PER PREMISES

### RESOLVED

1. **That** the contents of the report regarding a policy on the approval of limited payout machines to a maximum of 5 machines per premises, **BE NOTED**.
2. **That** the proposed policy **BE ACCEPTED** as a policy of the Ekurhuleni Metropolitan Municipality.
3. **That** the policy **BE IMPLEMENTED** as from 1 November 2010 and **BE REVIEWED** when Council deems it necessary.
4. **That** the approval of applications received in line with this policy and fully compliant with the relevant legislation, **BE DELEGATED** to the Area Managers as per delegation IV (102) under Schedule "31" of the Delegation of Powers as approved by Council [resolution A-CL (05-2007)] on 29 March

## LIMITED PAYOUT MACHINES POLICY

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#### 1. BACKGROUND

The Gauteng Gambling Board is currently inviting applications from potential site owners/operators for the installation and operation of a maximum of five limited payout machines in terms of the Gauteng Gambling Act no.7 of 2004. In most cases the relevant town planning schemes only provide for two machines to be operated (as per the Act prior to amendment) without further application. With the amendment to five machines the operators now have to go through the lengthy process of either a consent use or a rezoning to obtain the necessary rights.

#### 2. PURPOSE

The purpose of the policy is to expedite applications for 5 or less Limited Payout Machines (LPM's) in such a manner that it would not compromise the municipality in any way.

#### 3. DEFINITIONS

The following definition as taken from the National Gambling Regulations for Limited Payout Machines is of importance:

**Limited Payout Machine** means a gambling machine outside of a casino in respect of the playing of which the stakes and prizes are limited as prescribed.

For the purpose of the policy Limited Payout Machines will be considered to fall under a "Place of amusement" as described in most schemes unless otherwise defined in the scheme.

#### 4. MAIN CONSIDERATIONS

This policy is restricted to applications where a maximum of five machines are applied for. Applications for more than five machines will be evaluated on merit and will not be regulated by this policy

##### 4.1 Impact of use on existing land use

The applicable legislation explicitly states that the main business of the establishment may not be the operation of gambling machines. The use must thus be a subordinate use to the main use.

#### 4.2 Impact on engineering services

The use will have a minimal impact on engineering services due to the fact that it is a subordinate use which should not generate any extra trips or parking needs. The machines further use a minimal extra amount of electricity and no extra water.

#### 4.3 Impact on law enforcement

There will be no extra impact on law enforcement as the strict regulations laid down by the Gambling Board will be enforced by the board itself in conjunction with the EMM Law Enforcement team. One of the documents to be submitted as part of the application is an approval letter from the relevant Municipality declaring that the zoning is in order.

### 5. RELEVANT LEGISLATION

**National Gambling Act 7 of 2004**  
**Regulations under the National Gambling Act 1996 (Act 33 of 1996)**  
**National Gambling Regulations on Limited Payout Machines**

### 6. TOWN PLANNING PROCEDURE

In order to establish the use of a limited Payout Machine the applicant will have to adhere to the applicable town planning scheme for the area.

<b>APPLICABLE TOWN PLANNING SCHEME</b>	<b>KIND OF APPLICATION TO ALLOW 5 LPM'S</b>
Alberton Town planning Scheme, 1979.	Primary right under Business 1 and Amusement zonings Consent use under Business 2 and 3 and Industrial 1,2 and 3 zonings Rezoning under all other zonings
Bedfordview Town planning Scheme, 1995.	Primary right under Amusement zoning Consent use under Business 1, 2 and 3 and Industrial 1 and 2 zonings Rezoning under all other zonings
Benoni Town planning Scheme No.1, 1948.	Primary right under General zoning Consent use under General Business, General Industrial, Special Industrial and Undetermined Rezoning under all other zonings
Peri-Urban Areas Town planning Scheme, 1975.	Consent use under Business 1 and 2 and Undetermined Rezoning under all other zonings
Boksburg Town planning Scheme, 1991.	Primary right under Amusement zoning Consent use under Business 1, 2 and 3 zoning Rezoning under all other zonings
Boksburg Amendment Scheme 475 of 1997 (Incorporation of Vosloorus)	Primary right Amusement zoning Consent use under Business 1 zoning Rezoning under all other zonings
Brakpan Town planning Scheme, 1980	Primary right under Business 1, 2 and 3 within the demarcated area and Amusement zoning

	Consent use under Business 1, 2 and 3, Industrial 1 and 2 and General outside the demarcated area Rezoning under all other zonings outside of the demarcated area
Clayville / Halfway House Town Planning Scheme 1976	Consent use under Business 1 and 2 Rezoning under all other zonings
Edenvale Town planning Scheme, 1980	Primary right under Amusement, but only up to a maximum of 2 machines - for more machines under Amusement, approval of an application for written consent in terms of Clause 12.4.13 of the Scheme is required. Consent use under Business 1, 2 and 3 and Industrial 1 and 2 zoning Rezoning under all other zonings
Germiston Town planning Scheme, 1985.	Primary right under Amusement and General Consent use on Business 1,2 and 3, Industrial 1 and Undetermined zoning Rezoning under all other zonings
Greater Germiston Town planning Scheme No.2,1999.	Primary right Amusement zoning Consent use under Business 1, 2 and 3 zoning Rezoning under all other zonings
Lesedi Town planning scheme, 2003	Primary right under Business 1 zoning Consent use under Business 2 and 3, Industrial 1, Undetermined and Agricultural , zoning Rezoning under all other zonings
Kempton Park Town planning Scheme, 1987	Primary right under Amusement zoning Consent use under Business 1, 2 and 3 and Industrial 1 and 2 zoning Rezoning under all other zonings
Lethabong Town planning Scheme, 1998	Primary right under Business 1 zoning Consent use under Business 2 and 3 Rezoning under all other zonings
Nigel Town planning Scheme, 1981	Primary right under Amusement zoning Consent use under Business 1, 2 and 3 and Industrial 1, 2 and 3 Rezoning under all other zonings
Springs Town planning Scheme, 1996	Primary right under Business 1, Amusement and General zoning Consent use under Business 2 and 4 and Industrial 1, zoning Rezoning under all other zonings
Tembisa Town planning Scheme, 2000	Consent use under Business 5 zoning Rezoning under all other zonings

The processes as set out in the table will still have to be followed. In the case of rezoning, external departments will, due to the nature of the application, only be granted the 60 day comment period, as per the legislation, unless the Area Manager is of the opinion that an external department would be directly affected. After the 60 day period the application should be continued with to obtain a final decision.

For internal departments the following standard conditions must be included in the approval of the application and thus internal circulation would not be necessary.

1. Not more than 5 Limited Payout Gambling Machines will be allowed on the premises.
2. The operation of gambling machines shall be a secondary or ancillary activity to the main use.
3. Where persons under the age of eighteen (18) are permitted on the same premises where gambling machines are operated, the necessary control must be put in place to ensure that such underage persons are restricted from being able to access that part of the premises where gambling machines are operated and that such underage persons are not able to operate the gambling machines.
4. The operator/owner of the gambling facility must comply with conditions and regulations as contained in the Gauteng Gambling Act 7 of 2004 and any other relevant legislation.
5. The operator/owner of the gambling facility must be registered with Gauteng Gambling Board.
6. Before the operation of gambling machines is permitted, the operator / owner of the gambling facility must first obtain the relevant license from Gauteng Gambling Board.
7. The placing of notices/signs or plaques shall comply with the provisions of the Ekurhuleni Metropolitan Municipality Police Services By-laws Chapter 4 Advertisement, as well as the Ekurhuleni Policy on Outdoor Advertisement control as amended on 29 May 2010.
8. The gambling activities or any other associated activities may not cause any nuisance to the neighbouring residents/businesses.
9. All relevant health legislation and requirements must be complied with.
10. Clients must have access to sufficient and adequate ablution facilities.
11. The activities may not create a noise nuisance as defined in terms of NOISE CONTROL REGULATIONS - GAUTENG (Government Notice 5479 of 20 August 1999)
12. The owner / manager of the establishment must take full responsibility for the behaviour of the clients inside and outside the premises.
13. All premises must comply with minimum safety requirements as per SANS 10400 part T.

If an objection is received, the normal Development Tribunal process will be followed.