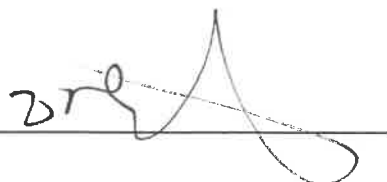


**EASTERN CAPE
GAMBLING AND BETTING BOARD**

**APPLICATION FOR AMENDMENT OF LICENCE
CONDITION**

SIGNATURE: _____


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(ecgbb/alc)

APPLICATION INSTRUCTIONS

1. This application form is to be completed by any person who wishes to apply for amendment of a licence condition.
2. Read this entire form carefully before answering any of the questions. Any incomplete or inaccurate answer may result in no action being taken on the application, or denial of the application and the CEO shall not be obliged to publish any incomplete or inaccurate application.
3. Applications shall be prepared in accordance with the guidelines contained in this form and shall be consistent with the following:
 - 3.1 Each application must be in English with each page clearly numbered/ paginated and cross referenced in a detailed index;
 - 3.2 The financial information must be provided in both hard copy and electronic form on a CD Rom or Digital Video Disk (DVD) in a Microsoft excel 2007 running under Windows 7 (**where applicable**). It is each Applicant's responsibility to ensure that the information provided on the electronic version is consistent with the information provided in the printed application. In the event of a discrepancy in information between the electronic and the printed version, then the printed version will take precedence;
 - 3.3 Except for Personal History Disclosure (PHD) and Business History Disclosure (BHD) forms (Available from our website www.ecgbb.co.za - to the extent that these are required), Applications shall consist of an original master copy in hard copy format, **fifteen (15)** electronic copies thereof on a CD Rom, Digital Video Disk (DVD), USB storage device or tablet, together with one numbered hard copy. In addition, **three (3)** loose-leaf copies of the application must be supplied for public inspection, with the appropriate confidential pages removed;
 - 3.4 All Applications shall preferably be on A4 size paper. A3 size paper is permissible for diagrams and drawings, where necessary;
 - 3.5 The master copy must have the signature of one of the directors of the Applicant. A resolution by the Shareholders of the Applicant shall be provided as proof of their authority to sign the application and bind the Applicant to the terms of the application;
 - 3.6 The Board will require the Application to be prepared under the leadership of an experienced and committed Lead Applicant .The Applicant shall identify the Lead Applicant and provide a resolution of the Shareholders of the Applicant as proof of his/her authority;
 - 3.7 The Lead Applicant shall be the only person authorised to make statements on behalf of and receive instructions for and on behalf of the Applicant; and
 - 3.8 Facsimiled or e-mailed applications will not be accepted.
4. For the purposes of this application, "enterprise" is defined to include any corporation, company, association, operation, firm partnership, trust or other form of business association, and any sole proprietor or natural person.
5. Answer every question fully and truthfully. Do not leave any blank spaces. If a question does not apply to you, indicate N/A (for "Not Applicable") in response to that question. If there is nothing to disclose about a particular question, write "None".

SIGNATURE: _____



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(ecgbb/alc)

6. All entries on this form, except signatures, must be typed or block-printed in black ink. If your application is not legible, it will not be accepted.
7. Sign each page of this form in the space provided, once you have checked your answers and are sure they are complete and correct.
8. If you need additional space to answer any question(s), please use the blank page provided at the end of this form. Be sure to indicate the number(s) of the question(s) you are answering if you use this additional space.
9. Sign the Statement of Truth and all Release Authorisation Forms in the presence of a notary public and have both your signatures notarised.

10. Confidentiality

In terms of section 25 of the Act, any application, representations, responses and further information lodged in terms of sections 20 to 24 of the Act, shall be open to public inspection within fourteen (14) days of their lodgement for a period of 3 months and the period specified in the Act from the date of publication of the section 21 notice by the CEO.

The Board has determined in terms of section 25(2) of the Act, that:

- (a) any document or information relating to the financial capacity of any person participating in an application, to the names of prospective employees or to the business plans of an Applicant, shall not be open to public inspection: Provided such information can be separated from the remainder of the application and is marked "confidential"; and
- (b) the identity of any person who lodged representations in relation to an Application shall not be divulged to any other person.

Applicants must give reasons for any information they regard as confidential. In the interests of transparency, honesty and openness, Applicants shall keep to the absolute minimum information to be categorised as confidential.

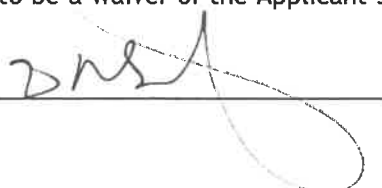
By submitting an application, an Applicant agrees that it shall not be entitled to any information disclosed by another Applicant to the Board which the Board has determined to be of a confidential nature.

The content and details of the evaluation of Applications will remain confidential to the Board. The Board shall be entitled to disclose, in the appropriate manner, confidential information contained in its investigation reports and reasons for approving an application.

Unless required by law, Applicants shall not issue a news release or make any public announcement pertaining to the details of their applications or other applications or the Process without prior written approval of the Board.

Subject to the provisions of the Act, the Board and its advisors undertake to keep confidential all information received from an Applicant which is clearly identified as confidential in such Applicant's application and which is not excused from confidentiality. It is a condition that the Applicant provides the Board with a written undertaking in its application to indemnify the Board in respect of any losses suffered by the Board in it refusing to disclose the relevant material or data to any person seeking access thereto. Failure to include such an undertaking shall be deemed to be a waiver of the Applicant's right to exemption from disclosure and shall

SIGNATURE: _____



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(ecgbb/alc)

constitute authorisation to the Board to provide copies of material/ data forming part of the application to third parties on due request therefor.

11. Fee payments and costs

The non-refundable Application fee is **R6 300.00** (refer to schedule 2 of the Act).

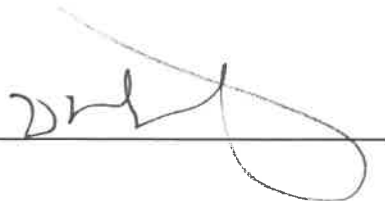
An initial investigation deposit of **R_____** will be required from the Applicant presented with the submission of its Application in respect of the Board's reasonable fees and expenses to conduct the investigation as contemplated in section 20(5) of the Act (including, but not be limited to, the fees and expenses of the members of the Board). The Board reserves the right to request additional deposits from the Applicant.

All payments must be made by electronic transfer, no cash or cheques will be accepted. The Applicant shall ensure that the funds are cleared into the bank account of the Board, by no later than three (3) days prior to the Submission Date. Any Application not accompanied by proof of payment of the above Application fee and investigation deposit will be rejected outright.

IMPORTANT NOTICE

1. You must immediately notify the Eastern Cape Gambling and Betting Board of any change of address. All notices regarding this application will be sent to the address that you provide on this form.
2. Any person who applies to the Board for amendment of a licence condition is required to submit to searches without a warrant when present on licensed premises pursuant to section 76(1) of the Eastern Cape Gambling and Betting Act, 1997 (Act No. 5 of 1997) ("the Act").

SIGNATURE: _____

A handwritten signature in black ink, appearing to be 'DHL', written over a horizontal line.

APPLICATION FOR AMENDMENT OF LICENCE CONDITION

I, David Richard Seaton on behalf of the applicant hereby apply in terms of the Gambling and Betting Act, 1997 (Eastern Cape), for amendment of the licence condition of the applicant set out below and confirm being aware of and understanding the provisions of the said Act and Regulations, insofar as they pertain to this application.

Full name of applicant Tsogo Sun Emonti Proprietary Limited t/a Hemingways Casino

Physical business address Corner of Western Avenue and Two Rivers Drive
Vincent
East London
5247

Postal address PO Box 1950
East London
5200

Telephone number 043 707 7777

Telefax number 043 707 7970

E-Mail address dave.seaton@tsogosun.com

Provide current licence number (if applicable):

CA-Z2/002

Provide previous licence numbers (if applicable):

NAME AND REGISTRATION NUMBER OF APPLICANT

Tsogo Sun Emonti Proprietary Limited; 1998/017777/07

*Name as appears on or in the certificate of incorporation, memorandum of incorporation, founding statement or other official document. DO NOT ABBREVIATE

SIGNATURE: 

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(ecgbb/alc)

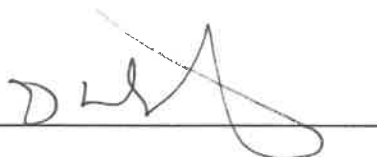
TRADE NAME(S)

Hemingways Casino

Person to be contacted with reference to these forms:

NAME David Seaton	
TITLE Corporate Services Director	TELEPHONE NO. (INCLUDE AREA CODE) 011 510 7712

SIGNATURE: _____



The principal business address of the Applicant:

STREET LOCATION (NUMBERS/STREET) Corner of Western Avenue & Two Rivers Drive	CITY Vincent, East London	PROVINCE/STATE Eastern Cape	POSTAL CODE 5247
COUNTRY South Africa	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE) 043 707 7777		
MAILING ADDRESS (IF DIFFERENT) PO Box 1950	CITY East London	PROVINCE/STATE Eastern Cape	POSTAL CODE 5200

The addresses from which the Applicant is or will be conducting any business and which the applicant requires to be licenced:

ADDRESS 1

STREET LOCATION (NUMBERS/STREET) Corner of Western Avenue & Two Rivers Drive	CITY Vincent, East London	PROVINCE/STATE Eastern Cape	POSTAL CODE 5247
COUNTRY South Africa	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE) 043 707 7777		

ADDRESS 2

STREET LOCATION (NUMBERS/STREET) N/A	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		

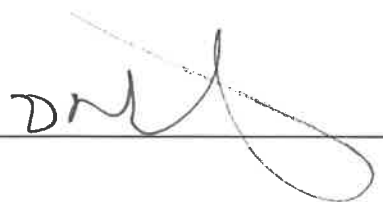
ADDRESS 3

STREET LOCATION (NUMBERS/STREET) N/A	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		

ADDRESS 4

STREET LOCATION (NUMBERS/STREET) N/A	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		

SIGNATURE: _____



Condition or term of licence the Applicant seeks to amend:

Clause No.: 11.1

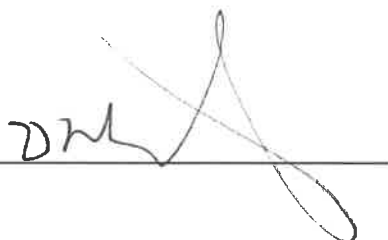
Which reads: The Casino must consist of-

11.1.1 a minimum of 500 (five hundred) slot machines of which 212 (two hundred and twelve) shall be situated in the smoking areas of the Casino; and

11.1.2 a minimum of 16 (sixteen) tables of which 6 (six) shall be situated in the smoking areas of the Casino,

provided that the Licensee may provide a further 50 (fifty) such slot machines at the Casino by 2015, and provided further that the ECGBB may, on application in writing, permit a different number of slot machines and tables to be provided at the Casino.

SIGNATURE: _____

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(ecgbb/alc)

Proposed amendment or addition:

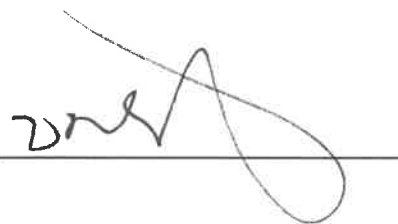
Amendment 1: The Casino must consist of-

11.1.1 a minimum of 400 (four hundred) slot machines; and

11.1.2 a minimum of 12 (twelve) tables,

provided further that the ECGB may, on application in writing, permit a different number of slot machines and tables to be provided at the Casino.

SIGNATURE: _____

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(ecgbb/alc)

Reasons for proposed amendment:

The Applicant wishes to reduce its minimum number of Slots from 500 to 400, and its minimum number of Tables from 16 to 12. The reducing number of each category of gaming devices will be referred to as the excess of such category for the purposes of this application.

The Covid-19 pandemic has caused the Applicant to have a reduced number of Slots in operation to ensure that only the top performing machines were being made available to patrons while adhering to the Covid-19 restrictions imposed. The excess Slots were either placed in storage or out of service. The latter arrangement was approved by the Gambling Board while the Country remains in a National State of Disaster.

Average floor occupancies over the last five financial years were:

Financial year (April – March)	2016-17	2017-18	2018-19	2019-20	2020-21
Avg floor occupancy	●%	●%	●%	●%	●%

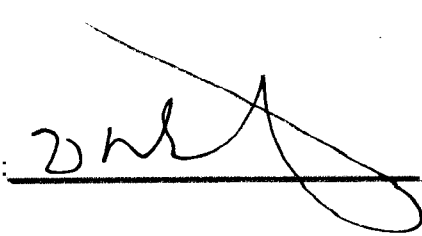
Weekend occupancies over month-end do sometimes exceed that illustrated above, but it would still not justify maintaining the current licensed minimum number of gaming devices. It is, therefore, made evident from the occupancies illustrated above that the number of gaming devices have consistently been too high.

To enhance the patrons’ gaming experience and gradually improve occupancies, the Applicant had acquired new Slots to replace more than 20% of the existing floor between its financial years ended 2019 and 2021. The Slots replaced were all removed from the gaming floor to either be destroyed or kept in storage and subsequently used for its spare components. While the excess Slots remain on the floor, the intended impact of acquiring new Slots will always be diluted. Having a higher condition of licence for the number of gaming devices compels the Applicant to maintain a number far exceeding its demand.

The Applicant’s definitive Casino License leaves a very limited number of years of operations remaining. Given the recent past, present, and immediate foreseeable economic climate, post Covid-19, etc., it is unlikely that demand for gaming devices will increase significantly during this period. If demand does increase, the Applicant will be in a better position to increase gradually from the proposed minimums being applied for with this application.

In summary, with the existing number of gaming devices, the excess the Applicant proposes to remove do not generate significant enough revenue to justify their annual costs, introducing new gaming devices to enhance patron experience and improve occupancies at present is diluted due to the demand not being there as evidenced by the occupancies over the last five financial years.

SIGNATURE: _____



Any restrictions proposed by Applicant:

None

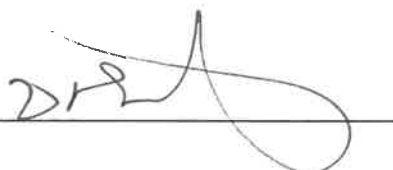
I warrant the correctness of the foregoing and my authority to bring the application on behalf of the Applicant.

David Michael SEATON
NAME

Corporate Services Director
CAPACITY

18 February, 2022
DATE

SIGNATURE:



AFFIDAVIT

PROVINCE/STATE OF Eastern Cape Province

COUNTRY OF South Africa

I, David Michael SEATON, hereby

acknowledge that I am aware that the Board may deny an application of any Applicant that supplies information to the Board which is untrue or misleading as to a material fact pertaining to the application concerned.

Further I, David Michael SEATON, hereby
(NAME)

swear (or affirm) that the foregoing statements made by me on behalf of

Tsogo Sino Emanti (PTY) LTD are true.
(NAME OF ENTERPRISE)

I am aware that if any of the foregoing statements made by me are wilfully false, I will be subject to the penalty attendant upon perjury.

18 February, 2022
DATE

[Signature]
SIGNATURE

D.R. SEATON
(TYPE, STAMP OR PRINT NAME)

Corporate service Director
TITLE OR POSITION

Subscribed and sworn to before me this 21 day of February, 20 22

~~NOTARY~~

Seal of Authority of Notary

[Signature]
CINDY EVA WANNELL
PALAZZO TOWERS EAST
MONTECASINO BOULEVARD
FOURWAYS, 2065
COMMISSIONER OF OATHS EX OFFICIO
NON-PRACTISING ATTORNEY
REPUBLIC OF SOUTH AFRICA

COMMISSIONER OF OATHS

SIGNATURE: [Signature]