



INFORMATION BROCHURE

WHY DO I NEED A LICENCE ?

- In terms of the Liquor Act, 1989 (Act 27 of 1989), any person who micro-manufactures or sells liquor for retail purposes in the Western Cape requires a liquor licence issued by the Western Cape Liquor Board to do so.
- In the Western Cape, a “**micro-manufacturer**” is a person who has a liquor licence issued by the Western Cape Liquor Board to manufacture liquor at or below the prescribed threshold volumes set out below:
 - for manufacturers of **beer**: **100 million litres** per year
 - for manufacturers of **traditional African beer**: **50 million litres** per year
 - for manufacturers of **wine**: **4 million litres** per year
 - for manufacturers of **spirits and/or any other liquor**: **2 million litres** per year
- In the Western Cape, a “**retail seller**” is a person who is licensed in terms of the Liquor Act, 1989 to **sell liquor for the purpose of consumption** (including consumption on the licensed premises and consumption off the licensed premises)
- It is a criminal offence to sell liquor without a licence and the South African Police Service can take steps against such a person, including closing the business and confiscating the liquor.

DIFFERENT TYPES OF WESTERN CAPE PROVINCIAL LIQUOR LICENCES?

<u>ON-CONSUMPTION LIQUOR LICENCES</u>	<u>OFF-CONSUMPTION LIQUOR LICENCES</u>
<ul style="list-style-type: none"> (i) hotel liquor licences; (ii) restaurant liquor licences; (iii) wine-house licences; (iv) theatre liquor licences; (v) club liquor licences; (vi) sorghum beer licences; (vii) special licences; (viii) temporary liquor licences; (ix) occasional licences; 	<ul style="list-style-type: none"> (i) wholesale liquor licences; (ii) brewers' licences; (iii) liquor store licences; (iv) grocers' wine licences; (v) wine farmers' licences; (vi) sorghum beer brewers' licences; (vii) sorghum beer licences; (viii) special licences; and (ix) producers' licences

WHAT DOES THE LIQUOR BOARD TAKE INTO ACCOUNT WHEN IT CONSIDERS AN APPLICATION FOR A LIQUOR LICENCE?

- The Board shall not grant an application for any licence unless
 - the **premises** are or will on completion be suitable for the purposes for which they will be used under the licence
 - if the premises are situated in the vicinity of a place of worship or school or in a residential area, the business will be carried on in a manner that will not disturb the proceedings in that place of worship or school or prejudice the residents of that residential area;
 - the **applicant** concerned is of good character and is otherwise fit to be the holder of the licence;
 - granting of the licence is in the **public interest**
- The Board shall not grant an application for any licence if the possibility exists that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof.

WHO MAY APPLY FOR A WESTERN CAPE LIQUOR LICENCE?

A Western Cape liquor licence shall not be granted to the following people:

- (b) A person who has in the preceding 10 years been sentenced to imprisonment without the option of a fine;
- (c) An unrehabilitated insolvent;
- (d) A minor
- (e) The spouse of (a) or (b) above

HOW DO I APPLY FOR A WESTERN CAPE LIQUOR LICENCE?

- An applicant may apply through a lawyer / liquor consultant or in his/her personal capacity.
- Application forms (**FORM 1**) are obtainable at the South African Library in Cape Town or an applicant may purchase the Regulations published in terms of the Liquor Act (27 of 1989), which contain FORM 1.
- The Act requires that an application be **typed** and **not hand-written**.
- The application shall, at the time it is lodged, be accompanied by-
 - (a) **a plan** of the premises, clearly showing-
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
 - (iii) the streets and places to which such means of external communication lead;

- (b) **a description of the premises** with reference to the construction, lay-out, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document; and
- (c) **comprehensive written representations** in support of the application and any determination, consent, approval or authority simultaneously applied for.
- After the form has been completed, the application must be lodged, in triplicate, at the Magistrate's Court for the magisterial district where the licensed premises will be situated
 - » Applications are lodged on or before the first Friday of the month in which the intention to apply is advertised in the Government Gazette – see below..
- Notice of application should be submitted to the Government Printers in Pretoria at least two weeks before date of lodgment of the application at the Magistrate's office.
- Objections to the application may be lodged with the Magistrate within 28 days after date of lodgment.
- The Designated Police Officer (DPO) for the district must lodge a report not later than 35 days after the application was lodged.
- As a matter of policy the Liquor Board requires the DPO to inform the local Community Police Forum (CPF) (or the local Rate Payers' Association in areas where a CPF is not active) of the application and to state in his/her report that this has been done.
- The applicant has to reply to the objections (if any) and/or DPO report within 42 days after the application was lodged.

WHAT HAPPENS IF THERE ARE OBJECTIONS TO THE APPLICATION ?

- The Board will consider the application, reports lodged by the DPO or Inspectorate and objections received, and may
 - i. Approve the application OR
 - ii. Reject the application OR
 - iii. Hold a Hearing
- If the Board decides to have a hearing, the objectors and the DPO are summonsed to give evidence.
- The applicant may appoint a legal representative to represent him/her at the hearing.

WHEN DO I APPOINT A PERSON TO MANAGE THE LICENSED BUSINESS IN TERMS OF THE LIQUOR ACT 27 OF 1989?

- (1) A person **other than a natural person** (i.e., a juristic person) shall not conduct any business under a licence unless a natural person who permanently resides in the Republic and who is not disqualified in terms of section 25 to hold a licence, is appointed by it in the prescribed manner to manage and be responsible for its business. Contravention of this section is an offence.
- (2) A natural person who is the holder of a licence **may** in the prescribed manner appoint another natural person who permanently resides in the Republic and who is not

disqualified in terms of section 25 to hold a licence, to manage and be responsible for the business to which the first-mentioned licence relates.

▶ A person managing and responsible for a business to which a licence relates, shall be subject to the same obligations and liabilities as the holder of the licence concerned .

▶ Paragraphs (1) and (2) above do not release the holder of a licence from any obligation or liability to which he or she is subject in law.

DO I NEED THE LIQUOR BOARD'S PERMISSION TO DO ALTERATIONS TO THE LICENSED PREMISES OR TO EXTEND IT?

The holder of a licence shall not-

a) effect any **structural alteration, addition** or **reconstruction** of or to the licensed premises;
or

b) **extend** the licensed premises,

except with the consent of the chairperson, granted on application by the licence holder on such conditions as the chairperson may think fit.

MAY A LICENCE HOLDER REFUSE TO ADMIT A PERSON TO THE LICENSED PREMISES OR REFUSE TO SELL LIQUOR TO A PERSON?

The holder of a licence or his or her agent or employee may-

(a) refuse to admit any person to the licensed premises or any part thereof;

(b) refuse to sell or supply liquor to any person;

(c) request any person who is in any part of the licensed premises, to leave that part;

(d) request any person who is not a lodger on the licensed premises and who is in any part of the licensed premises reserved for lodgers, to leave that part;

(e) remove from the licensed premises any person who is drunk, violent or disorderly or whose presence on the licensed premises may subject the holder of the licence to prosecution under this Act or any other law;

(f) request any police officer to remove or assist in removing from the licensed premises any person contemplated in paragraph (e) or to remove from the licensed premises any person who refuses or fails to comply with a request contemplated in paragraph (c) or (d)

WHERE MAY LIQUOR BOUGHT ON THE PREMISES BE CONSUMED?

- The holder of every **on-consumption licence** shall ensure that liquor sold thereunder be consumed **on the licensed premises only**.
 - It is an offence (for the licence holder) if customers remove liquor bought or supplied on the licensed premises from the licensed premises
- The holder of an **off-consumption licence** who opens or allows any one else to open any receptacle containing liquor sold on the licensed premises is guilty of an offence.

HOW DO I TRANSFER MY LIQUOR LICENCE ?

- An application to transfer of a Western Cape liquor licence from the licence holder to a prospective holder shall be lodged at the Magistrate's Court for the magisterial district where the licensed premises are situated.
- The licence holder must, jointly with the prospective holder, make written application (in the form of **Form 10**), in duplicate, for the transfer of the liquor licence and must submit comprehensive written representations in support of the application.
- The Act requires that an application be **typed** and **not hand-written**.
- The Magistrate must forward a copy of the application to a designated police officer for a report.
- The DPO for the district must lodge a report not later than 14 days after the application was lodged.
 - The designated police officer shall after completion thereof, provide a copy of his report to the applicant upon request.
- The applicant has to reply to the DPO report within 7 days after the DPO report was lodged with the Magistrate and must certify (on the application or in an annexure) that a copy has been forwarded to the DPO.
- On receipt of all the documentation, the Magistrate forwards it to the Liquor Board.

MAY I REMOVE MY LIQUOR LICENCE FROM THE LICENSED PREMISES TO OTHER PREMISES?

- A Western Cape Liquor licence holder may at any time make application for the removal, whether permanently or temporarily, of the licence from the licensed premises concerned to other premises situated **in the same magisterial district** as the licensed premises.
- An application for the removal of a licence is lodged with the Magistrate (in the district where the premises are situated) on the first Friday of the month in which the intention to apply is advertised in the Government Gazette or, if such day is a public holiday or closed day, on the first Friday, which is not such a day, thereafter.

- Notice of the application (in the form of Form 13) should be submitted to the Government Printers in Pretoria at least two weeks before date of lodgment of the application at the Magistrate's Court.
- The licence holder must make written application (in the form of Form 12), **in triplicate**, for the removal the licence.
- The Act requires that an application be **typed** and **not hand-written**.
- The application must, at the time it is lodged, be accompanied by-
 - (a) **a plan** of the premises, clearly showing-
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
 - (iii) the streets and places to which such means of external communication lead;
 - (b) **a description of the premises** with reference to the construction, lay-out, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document; and
 - (c) **comprehensive written representations** in support of the application and any determination, consent, approval or authority simultaneously applied for.
- Objections to the application may be lodged (in duplicate) with the Magistrate within 28 days after date of lodgment.
- The DPO for the district must lodge a report not later than 35 days after the application was lodged.
- As a matter of policy the Liquor Board requires the DPO to inform the local CPF (or the local Rate Payers Association in areas where a CPF is not active) of the application and to state in his/her report that this has been done.
- The applicant has to reply to the objections (if any) and/or DPO report within 42 days after the application was lodged.

WHEN MAY THE S.A.P.S. CLOSE LICENSED PREMISES?

- Licensed premises may be closed by the Magistrate of the district in which the premises are located.
- If a Magistrate is not available, then any police officer of or above the rank of an Inspector may close the premises.
- The licensed premises may only be closed by the Magistrate or police officer if he or she is of the opinion that
 - a strike or
 - lock-out or
 - public disturbance, disorder, riot or
 - public violence
 is occurring or threatening at or near the licensed premises

- The Magistrate or police officer may then order the holder of the licence, or the manager or agent of that holder or person, to close the premises concerned during such times or for such periods as the magistrate or the police officer concerned may think fit.

WHO MAY APPLY FOR REASONS FOR THE DECISION TAKEN BY THE WESTERN CAPE LIQUOR BOARD OR CHAIRPERSON?

- Any person who has made any application, objection or representations in terms of the Liquor Act, 1989 and who feels aggrieved by a decision made by the Liquor Board or Chairperson of the Liquor Board in connection with any application, objection or representations, may make written application for reasons, as if it were a request for reasons in respect of a judgment in a magistrate's court in civil proceedings.

HOW MUCH DOES IT COST TO APPLY FOR A NEW LICENCE?

- An application fee (as set out in Schedule 1 below) should be paid at lodgement of the application.
- When the licence is issued the licence holder pays a licence fee (to the Receiver of Revenue). The fee will be stipulated on the licence and depends on the type of licence.
- The professional fees charged by attorneys or liquor consultant are not included in the above.

GENERAL REMARKS

- Each licence is issued subject to certain conditions.
- Mere compliance with the above does not guarantee the success of the application.
- Each application is considered with regard to the
 - Applicant and
 - Premises and
 - Public Interest
 - The annual renewal fees for all licences should be paid before 31 December of every year ► If not, the licence will lapse.
 - If renewal fees are paid after 31 December but before 31 January the next year, : the fee plus a surcharge of 50% of the annual fee should be paid to renew the licence.
 - If renewal fees are paid after 31 January but before 28 February, : the fee plus a surcharge of 100% of the annual fee should be paid to renew the licence;
 - A licence cannot be renewed after 28 February.

THIS IS A GENERAL GUIDELINE TO APPLICANTS FOR LIQUOR LICENCES. THE LIQUOR ACT AND ITS REGULATIONS ARE COMPLEX AND PROFESSIONAL ADVICE REGARDING ITS WORKING IS RECOMMENDED.

CONTACT DETAILS OF WESTERN CAPE LIQUOR BOARD

6th Floor
Waldorf Building
80 St George’s Mall
CAPE TOWN, 8001

OR

PO Box 979
CAPE TOWN
8000

Tel (Reception): (021) 483 4498 / 483 3091
Fax: (021) 483 5066

Information is also obtainable on our website: www.capegateway.gov.za

Liquor Act 27 of 1989

[Reg 112(1)]

SCHEDULE 1

Fees payable in respect of certain applications

Part A	Part B
Application in terms of Section 19 for a licence (excluding a temporary liquor licence and occasional licence).....	R200
Application in terms of section 38(1) to procure a controlling interest in the business to which the licence relates	R100
Application in terms of section 60(1)(b) to sell liquor for consumption off the premises	R100
Application in terms of section 113 for the transfer of the licence.....	R100
Application in terms of section 120 for the removal of a licence.....	R100
Application in terms of Section 180 for a copy of a licence and the conditions thereto or of any application	R50

SCHEDULE 2

Fees payable in respect of licences (subject to reduction in terms of Regulation 114(2) and increase in terms of Regulation 116(4))

	PART A	PART B	PART C
LICENCE	Fees Payable in respect of a new licence	Fees payable in respect of the transfer OR removal of a licence	Annual licence fees
Section 20(a)			
Hotel Liquor Licence.....	1 000	250	500
Restaurant Liquor Licence	500	125	250
Wine-house licence	100	25	50
Theatre Liquor Licence	1 000	250	500
Club Liquor licence	500	125	250
Sorghum Beer Licence	200	50	100
Special Licences			
- if granted in respect of a premises upon which facilities are provided by employers for employees	2 000	500	1 000
- if granted in respect of premises upon which a shebeen was conducted (liquor tavern)	200	50	100
- if granted in respect of a premises upon which accommodation and related facilities are provided	1 000	250	500
- if granted in respect of premises where emphasis is placed on the provision of food	200	50	100
- if granted in respect of premises where a business other than the above is conducted	2 000	500	1 000
Sportsground liquor licence	-	500	1 000
Section 20(b)			
Wholesale liquor licence (under which the holder does not deal directly with the public)	4 000	1 000	2 000
Wholesale liquor licence (under which the holder deals directly with the public)	-	1 000	2 000
Brewer's licence	4 000	1 000	2 000
Liquor Store licence	2 000	500	1 000
Grocer's wine licence	1 000	250	500
Wine farmer's licence	100	25	50
Sorghum beer brewer's licence	4 000	1 000	2 000
Sorghum beer licence	500	125	250
Special licence	2 000	500	1 000
Producer's licence	50	25	25

WESTERN CAPE LIQUOR LICENCING CONSULTANTS & ATTORNEYS

Please note that the Liquor Board cannot guarantee the services offered by anyone on this list and accepts no responsibility for levels of service. This list is in alphabetical order, and is by no means a complete list of all the people dealing with liquor licences. You may also contact the Law Society of South Africa for additional names.

<p>ALFIE CROUS 35 Allen Drive LOEVENSTEIN, 7530 Tel: (021) 913 8545 Fax: (021) 913 8545 Cell: (082) 5771853</p>	<p>BEVERLEY JEURSEN 27 Leeuwenhof Crescent TABLE VIEW 7441 Tel: (021) 556 7122 Cell: (082) 321 7722 E-mail: bajeursen@telkomsa.net</p>
<p>BILL TOLKEN HENDRIKSE INC. P.O Box 687 SANLAMHOF, 7532 Tel: (021) 945 1108</p>	<p>C & A FRIEDLANDER INC. Mr. S Epstein 3rd Floor, 42 Keerom Street CAPE TOWN, 8001 Tel: (021) 426 4224 Fax: (021) 426 5650</p>
<p>CLUVER MARKOTTER INC. Mr. D Cronjé P.O Box 12 STELLENBOSCH, 7600 Tel: (021) 808 5642 Fax: (021) 808 5420 E-mail: dlc@cm.law.za</p>	<p>DH BESTUURSDIENSTE Mr. D Hoogenhout P.O Box 721 STRAND, 7139 Tel: (021) 853 5785 Fax: (021) 853 5785</p>
<p>DUVENAGE KEYSER & JONCK ING Lezelma Pretorius P.O Box 104 OUDTSHOORN, 6620 Tel: (044) 272 2248 Fax: (044) 279 1925 e-mail: lpretorius@dkj.co.za</p>	<p>DR STEENKAMP & PARTNERS ATTORNEYS P.O Box 500 FRANSCHHOEK, 7690 Tel: (021) 876 2000 Fax: (021) 876 2751</p>
<p>FINDLAY & TAIT P.O Box 248 CAPE TOWN, 8000 Tel: (021) 480 7800</p>	<p>LAURENCE NATHAN & ASSOCIATES Laurence Nathan P.O Box 53289 KENILWORTH, 7745 Tel: (021) 689 4013 Fax: (021) 689 4011 E-mail: lol@worldonline.co.za</p>
<p>LAWGICAL SOLUTIONS Adv. Marso Van Staden P.O Box 6455 WELGEMOED, 7538 Tel: (021) 913 7577 Fax: (021) 913 7979</p>	<p>LIQUORWISE Liquor Licence Applications CAPE TOWN & GARDEN ROUTE Tel: 0861 059 473 Fax: 0865 182 617 E-mail: admin@liquorwise.net Website: www.liquorwise.net</p>

<p>MAC CALLUMS P.O Box 1087 CAPE TOWN, 8000 Tel: (021) 424 9010 Fax: (021) 424 0339</p>	<p>MILLERS INCORPORATED P.O Box 35 GEORGE, 6529 Tel: (044) 874 1140</p>
<p>MOSDELL PAMA & COX Ed Harris No.12 Pledge Square 48 Main Street P.O Box 997 KNYSNA, 6570 Tel: (044) 382 5333 Cell: 083 432 2428</p>	<p>NAUDÉ & HARRIS ATTORNEYS 12C Pledge Square Main Street KNYSNA, 6570 Tel: (044) 382 5775 Fax: (044) 382 5928</p>
<p>SAUNDERS ATTORNEYS Mr. A Saunders 68 Keerom Street CAPE TOWN, 8000 Tel: (021) 422 1108 Fax: (021) 422 1109</p>	<p>SCHLIEMANN ATTORNEYS Fairview Centre Caledon Street SOMERSET-WEST, 7130 Tel (021) 852 7511 Fax: (021) 852 7540</p>
<p>UKUSA LICENSING PROJECT (An SA Breweries initiative for shebeeners) Miss Claudia Archary Tel: (021) 658 7262 Fax: (086) 639 3274 E-mail: claudia.rchary@za.sabmiller.com</p>	