

WESTERN CAPE LIQUOR BOARD

AMENDMENT TO THE ASSESSMENT GUIDELINE FOR LIQUOR LICENCE APPLICATIONS WITHIN RESIDENTIAL AREAS AS REFERRED TO IN SECTION 22(2)(d) OF THE LIQUOR ACT, ACT 27 OF 1989

THIS AMENDMENT RELATES RETROSPECTIVELY TO APPLICATIONS LODGED BEFORE 1 AUGUST 2004 **(Amendment as per the highlighted section below)**

Introduction

Section 22(2)(d) of the Liquor Act, No 27 of 1989 requires the Liquor Board to be satisfied that where liquor licences are issued in the vicinity of a place of worship or a school or 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. Indications are that a large number of unlicensed outlets are trading in liquor within areas affected by section 22(2)(d) and an increasing number of these outlets are applying for liquor licences. To ensure that the Liquor Board is placed in a position to meet the requirements of the said section and in an effort to ensure that a balance is maintained between the interests of licence applicants and the interested parties these guidelines are issued.

Applicants may as an alternative to meeting the guidelines provide the Liquor Board with proof of meeting the municipal land use scheme regulations. (See "Consent use / zoning within residential areas: below)

These guidelines are introduced with retrospective effect to allow licence applicants who may benefit from the provisions the option of meeting the guideline requirement.

- Temporary structures in informal & formal settlements
 - No temporary structures will be licensed
 - Only applications for permanent structures will be considered.
 - The applicant must have a legal right to occupy the premises

- Public Interest
 - In addition to the requirements of Regulation 4 of the Regulations promulgated in terms of the Liquor Act, the applicant is responsible to advertise the application in the local community newspaper
 - The attached standard form of the intention to apply for advertisement in the local community newspaper must be completed by the applicant
 - A list of local community newspapers within the Western Cape Province will be made available on the Liquor Board's website in due course and will also be available from the local Designated Police Officer
 - The application must be advertised in any of the two official languages of the Western Cape Province predominantly spoken in the relevant area (English, Afrikaans or Xhosa)
 - **The advertisement is to be published once only in a local community newspaper at the commencement of a twenty eight day period that allows for the lodging of objections with the Designated Police Officer**

- Proof of compliance with the above must be provided to the Liquor Board by the applicant
- **Notices, on at least A3 size paper and protected against the elements, in any two of the official languages of the Western Cape spoken predominantly in the area are to be displayed prominently within public view on the outside of the premises from date of the advertisement in the Community Newspaper for the full duration of the objection period of 28 days. Proof of such display must be provided to the Board. The prescribed notice used in the community newspaper may be used.**
- **The Designated Police Officer is to confirm by way of a follow-up report in terms of section 140 of the Liquor Act that this requirement has been met**

- The Designated Police Officer is to notify the Community Police Forum, Street Committee and / or Ratepayers Association, neighbours, educational institutions and places of worship in close proximity of premises

- Consent use / zoning within residential areas
 - If all of the above have been complied with and all other prerequisites have been met, the Board may approve the application regardless of whether the zoning requirements have not been met.
 - Non-compliance with other laws is a matter between the licence holder and the relevant authorities.

- Objections to applications

If any objections to an application have been received, the application may be set down for a hearing of objections

THIS GUIDELINE MAY BE AMENDED FROM TIME TO TIME WHEN CIRCUMSTANCES REQUIRES SUCH AMENDMENTS



**CHAIRPERSON
ADV. C EVERTSON**

SIGNED AT CAPE TOWN ON 13 July 2004.

**NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENCE IN TERMS OF SECTION 19 OF
THE LIQUOR ACT, NO 27 OF 1989**

(for insertion in local community newspaper)

Notice is given herewith of the intention of the following applicant to apply to the Liquor Board of the Western Cape for a licence to sell the type of liquor mentioned hereunder on the premises located at the indicated address. The application may be inspected at the undermentioned Police Station and any objections can be lodged with the relevant Designated Police Station.

Full name, street and postal address of applicant :	
Kind of liquor licence being applied for:	
Kind of liquor to be sold:	
Name under which business is to be conducted and full address of premises:	
Police Station where the application can be perused and where objections can be lodged:	

**KENNISGEWING VAN VOORNEME OM AANSOEK TE DOEN VIR 'N DRANKLISENSIE IN
TERME VAN ARTIKEL 19 VAN DIE DRANKWET, NO 27 VAN 1989**

(vir plasing in die plaaslike gemeenskapskoerant)

Kennis word hiermee gegee van die voorneme van die ondervermelde aansoeker om aansoek te doen by die Drankraad van die Wes-kaap vir 'n lisensie om die soort drank vermeld hierin vanaf die perseel geleë by die ondervermelde adres te verkoop. Die aansoek is by die ondervermelde Polisiestasie geliasseer ter insae van die publiek en enige besware teen die aansoek mag by die Aangewese Polisiebeampte ingedien word.

Volle name, straat en posadres van die applikant:	
Soort dranklisensie waarvoor aansoek gedoen sal word:	
Soort drank wat verkoop sal word:	
Naam waaronder besigheid gedoen sal word en volledige adres van perseel	
Polisiestasie waar die aansoek ter insae lê en waar besware ingedien kan word	

**ISAZISO SENJONGO YOKUFAKA ISICELO SELAYISENISI YOTYWALA NGOKUKA SECTION
19 WE LIQUOR ACT, NO 27 OF 1989**

(ipapashwa kwiphepha-ndaba lasekuhlaleni)

Esi sisaziso sokuba lomfaki-sicelo ulandelayo unenjongo yokufaka isicelo kwiBhodi yoTywala yeNtshona-Koloni sokufumana ilayisenisi yokuthengisa utywala bazo zonke iintlobo ezikhankanywe apha ngezantsi kwisiza esikwidilesi ekhankanyiweyo. Isicelo singahlolwa kwisikhulo samapolisa esikhankanywe apha ngezantsi ukuze kuthi ukuba kukho izimvo – mpikiswano zifakwe kwi ofisi yepolisa lezotywala echaphazekekayo.

Igama, isitalato nedilesi yomfaki -sicelo:	
Uhlobo lwelayisenisi yotywala ecelwayo:	
Uhlobo lotywala oluza kuthengiswa:	
Igama eliza kubizwa ngalo ishishini kunye nedilesi epheleleyo yesiza:	
I Ofisi yepolisa lotywala apho isicelo sizakuqwalaselwa khona nalapho izimvo-mpikiswano zingathunyelwa khona:	