



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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GENERAL NOTICE

No. 123

NOTICE 2 OF 2010 EASTERN CAPE LIQUOR BOARD LIQUOR LICENSING POLICY


The Eastern Cape Liquor Board hereby invites any interested parties wishing to comment on the draft Liquor Licensing Policy to submit written comments on or before 30 April 2010 to :

The Chief Executive Officer
Eastern Cape Liquor Board

1. Post to :
P.O. Box 18060 | Quigney | 5211
2. by e-mail to : elliott.mashile@eclb.co.za
3. by facsimile to : 0865774708 (Attention : Elliot Mashile)

NB : Copies of the policy are obtainable from our website www.eclb.co.za and the following District Offices :

- | | | | | | |
|----|---|--|-----------------------------|--|--------------|
| 1. | 37 (A) Grey Street | | Aliwal North | | 051-634 2244 |
| 2. | Cnr Victoria & Frere Street | | Cradock | | 048-881 3756 |
| 3. | 38 Grey Street | | Queenstown | | 045-8393709 |
| 4. | Shoprite Shopping Mall, Hope Street | | Kokstad | | 039-727 1341 |
| 5. | 790 Govan Mbeki Avenue, 1 st Floor North Towers, North End | | Port Elizabeth | | |
| | Uitenhage | | 041-484 2136 / 041-484 2149 | | |
| 6. | Botha Sigcau Building, Cnr Owen & Leeds Streets | | Mthatha | | 047-531 0227 |
| 7. | Octoproc House, 34 Argyle Street | | East London | | 043-7018500 |



MR GONZA MATI
CHIEF EXECUTIVE OFFICER

Date : 26-03-2010



EASTERN CAPE
LIQUOR BOARD

LIQUOR LICENSING POLICY

LIQUOR LICENSING POLICY

1. Legislative Mandate

Eastern Cape Liquor Act 10 of 2003

2. Broad Objectives

- 2.1 To outline the policy to be adopted by the Board in giving effect to its legislative mandate in the granting of liquor trading registration certificates.
- 2.2 To provide guidance concerning the administrative functioning of the Board
- 2.3 To define the parameters and conditions within which registration certificates are to be granted within the Province

3. Invitations for Retail Sale and Micro-Manufacturing of Liquor applications

- 3.1 The Board shall invite applicants from members of the public to apply for certificate of registration in the categories specified in terms of the Act.
- 3.2 The Board will issue a public invitation calling on prospective applicants to attend a compulsory orientation session on the basic requirements of Liquor Legislation.
- 3.3 Upon successful completion of the orientation programme, the Board will issue a prospective applicant with an orientation certificate which must accompany all applications when they are lodged.
- 3.4 The Board shall provide administrative assistance in the completion of application forms where and whenever necessary.

4. Receiving and Lodgement of Applications.

- 4.1 Lodgement of applications shall take place at the relevant district offices serving the area in which the prospective licensee is intending to trade.
- 4.2 Applications submitted at any other office other than the relevant district office shall be re-routed to that relevant district office before lodgement can be set to be done.
- 4.3 The application shall be considered lodged upon confirmation of the completeness of the application if the application meets the requirements as set out in the Eastern Cape Liquor Act 10 of 2003, and as determined by the Board from time to time.
- 4.4 All applications shall be lodged in triplicate.
- 4.5 Applications for registration shall be lodged with the Board on the day that will be indicated in the invitation.
- 4.6 The Board shall notify the public by notice in the gazette within 14 days of lodgement of an application for registration.
- 4.7 Applicants shall be required to publish a notice of their application in one of the local newspapers in circulation in the area where trading will take place.

5. Public Consultation

- 5.1 The applicant shall submit a notice of intention to apply for a liquor trading certificate to the ward committee of the area in which the proposed retail sale of liquor or micro-manufacturing will be conducted.
- 5.2 In respect of applications for retail sale of liquor in residential areas, the applicants shall further personally notify all community members within a radius of 500 meters of the intended premises and to thereafter provide proof of such notification to the Board.
- 5.3 The Ward committee shall furnish a report regarding consultation, which report shall be in the form of Form 2A and shall be due for submission to the Board not later than 30 days after receipt of notice of intention to apply for a retail sale of liquor or micro-manufacturing.

6. Documents required to accompany applications.

In addition to documents required in terms of regulation 2 (3) the following documents are to accompany the liquor application:

Natural persons	Partnership	Companies/Close Corporation and Trusts
(a) Identity Document	(a) Identity Documents of all partners	(a) Copies of all registration documents including :
(b) Tax Clearance	(b) Partnership agreement	<ul style="list-style-type: none"> • Certificate of incorporation • Certificate to commence business • Names of all directors, registered address of the company
(c) Water and light account	(c) Tax clearance for partnership	Close Corporations must submit their CK1 certificate of registration.
(d) Proof of right of occupation. Eg. Title deed, deed of transfer, registered lease agreement with SARS	(d) Water and lights for all Parties	Trusts must submit the Trust deed and Letters of Authority.
(e) Confirmation letter from the Traditional leader/Ward councillor	(f) Proof of right of occupation. Eg. Title deed, deed of transfer, registered lease agreement with SARS	(b) Tax clearance
		(c) Written authorisation and/or resolutions
		(d) Identity documents or passport of company directors
		(e) Identity document or passport of members close corporation.
		(d) Trust - Identity document or passport of trustees and beneficiaries

7. Pre-Registration Compliance Inspection

- 7.1 The Board's Compliance and Enforcement division endeavours to ensure that a pre-registration compliance inspection is conducted at the proposed premises within a reasonable time after the lodgement of the application.
- 7.2 Where premises are incomplete or not in existence, a physical inspection of the premises shall be done once the applicant indicates that the premises are ready to trade.
- 7.3 Inspection of the premises relating to "Special Events" applications shall be done once any temporary structures have been erected and the venue is otherwise considered by the applicant to be ready to trade.

8 Consideration of application by the Board

- 8.1 The Board in considering the application shall take into account all documents received including ward committee report, compliance inspection reports, and any other documentation that it may consider relevant.
- 8.2 In respect of applications concerning premises not yet ready or not in existence, the Board shall issue a formal letter stipulating the conditions to be met before the final consideration of the application.

9.. Access to Information

- 9.1 Document in possession of the Board are accessible in terms of the Promotion of Access to Information Act, 2000.
- 9.2 Any person who requires any documents in the possession of the Board shall submit the appropriate application in the prescribed format to the Board.

10. Conditions attached by the Board

All certificates of registration will be subject to such conditions as may be imposed by the Board.

11. The Fee Structure

- 11.1 All applications for registration shall be submitted together with proof of payment of lodgement fees being an original bank stamped deposit slip.
- 11.2 The lodgement fees are the sum total of the schedule 1 and 2 fees relevant to the application.

12. Performance of duties by employee(s) of the Board

An employee handling information of liquor licence applications(s):

- Shall treat information on the liquor licence application as confidential.
- Shall exercise a high level of responsibility
- Shall serve the public in an unbiased and impartial manner in order to create confidence in the Eastern Cape Liquor Board