

Concept Note

Notification to Councillors on Liquor License Applications in their Wards

- A. Every month a Gauteng Liquor License Gazette is published. The gazettes can be found at the following link:

<http://www.gpwonline.co.za/Gazettes/Pages/Liquor-License-Gazettes-Gauteng.aspx>

The publication dates for the year are set out on page 3 of each edition, i.e. 2018 schedule is as follows:

- **20 December 2017, Wednesday, for the issue of Wednesday 03 January 2018**
- **17 January, Wednesday, for the issue of Wednesday 31 January 2018**
- **14 February, Wednesday, for the issue of Wednesday 28 February 2018**
- **20 March, Tuesday, for the issue of Wednesday 04 April 2018**
- **18 April, Wednesday, for the issue of Wednesday 02 May 2018**
- **16 May, Wednesday, for the issue of Wednesday 30 May 2018**
- **20 June, Wednesday, for the issue of Wednesday 04 July 2018**
- **18 July, Wednesday, for the issue of Wednesday 01 August 2018**
- **22 August, Wednesday, for the issue of Wednesday 05 September 2018**
- **19 September, Wednesday, for the issue of Wednesday 03 October 2018**
- **17 October, Wednesday, for the issue of Wednesday 31 October 2018**
- **21 November, Wednesday, for the issue of Wednesday 05 December 2018**

- B. Each edition can be accessed at above link. The Gazette is divided into regions and can Johannesburg usually be found from page 10 onwards.

- C. An application's format will be the following:

The undermentioned figures used in brackets in the Schedule, have the following meanings:

- (1) = Full name of applicant.
- (2) = Intended trading name.
- (3) = Identity number or registration number of applicant.
- (4) = Full address and location of the premises.
- (5) = Type of licence applied for.
- (6) = Name and nature of educational institutions within a radius of 1 kilometre from the premises in paragraph 4.
- (7) = Names and distances to similar licensed premises within a radius of 1 kilometre from the premises in paragraph 4.
- (8) = Places of worship within a radius of 1 kilometre from the premises in paragraph 4.

An example of a license application:

JOHANNESBURG

WINDSOR EAST

- (1) **Shanduko Statistics (Pty) Ltd..**
- (2) Draught Pub.
- (3) 2016/169744/07.
- (4) SHOP 477, 22 BEATRICE STREET, WINDSOR, RANDBURG.
- (5) PUB LIQUOR LICENCE OR ANY OTHER LICENCE DEEMED APPROPRIATE BY THE BOARD.
- (6) To the best of applicant's knowledge: None.
- (7) To the best of applicant's knowledge: Spar Tops 100 meters.
- (8) To the best of applicant's knowledge: Universal Church 800 meters.

D. The Ward Councillor for that area must be notified of such application. The objection process (parts E to J of this document) along with the application must be e-mailed to the relevant Ward or PR Councillor.

The Objection Process:

E. Any interested party can lodge an objection to the license application in terms of Section 25 of the Gauteng Liquor Act, Act 2 of 2003 (hereinafter referred to as "*the Act*").

The relevant section of the legislation herewith:

25 Objections

(1) Any person may lodge an objection to the granting of a licence in terms of this Act, in the prescribed manner, with the local committee and the applicant within twenty-one (21) days from date of lodgement of the application with the secretary of the local committee referred to in section 23.

[Subsec (1) substituted by sec 4 of Act 9 of 2003 wef 16 January 2004.]

(2) The objection shall fully state the reasons thereof and contain the full names of the person or institution objecting, together with the full address and contact details and be accompanied by any supporting documentation.

F. It is important to note that the objection must be lodged within twenty one (21) days of the publication of the application. The calculation of days should be done in terms of the Interpretation Act, Act 33 of 1957. The relevant section of the legislation herewith:

4. Reckoning of number of days

When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

Taking the above into account the following example can be given:

The above application was published on the 4th of July 2018 and should the objection therefore be lodged no later than the 25th of July 2018.

If any interested party wants to object, the following should be taken into account:

"local committee" a committee of the Board established for each area of a municipality in Gauteng, that is, a Metropolitan Council or District Council or as contemplated in section 155 of the Constitution of the Republic of south Africa, 1996 (Act 108 of 1996);

"Board" means the Gauteng Liquor Board established in terms of this Act;

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G. An objection must be filed with the secretary of the local committee (with above details). An objection must be in the prescribed form as stated in Section 25 of the Act.

An objection must include the following:

1. Full names of person(s) or institution lodging the objection;
2. Full address of person(s) or institution lodging the objection;
3. Contact details of person(s) or institution lodging the objection;
4. Reasons for the objection; and
5. Any supporting documentation.

H. After lodging an objection to BOTH the secretary of the local committee AND the applicant, the applicant will get the opportunity to answer the objection within seven (7) days of receiving the objection. This response must be sent to the local committee and the person(s) or institution lodging the objection. (This is in terms of Section 26 of the Act)

- I. The local committee may call a hearing where the application and objection are heard. Details of such hearing is contained in Section 27 of the Act:

27 Hearing of applications

(1) The local committee or the Board may convene a hearing to consider any application and objections to the application in question, on such date, time and place as shall be determined by it.

(2) All interested persons, including the applicant and any person who has lodged an objection to an application, shall be afforded an opportunity to be heard and may be represented by a person of their choice.

(3) A hearing may be adjourned and resumed on such date and at such time and place as the local committee or the Board may determine.

- J. An application for a license will be considered by the local committee and will then be referred to the Liquor Board with recommendations. The Liquor Board will then decide if the application is approved or refused.

For any further information on objections to Liquor License Applications please contact Anne-Mieke Plekker:

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