**Kensington Residents and Ratepayers Association**

**64 Highlands Road**

**Kensington**

**Johannesburg**

**E-mail:** action@krr.org.za

[www.krra.org.za](http://www.krra.org.za)

**Information Flyer 2:**

 **How to lodge an objection to an Application for a Liquor License with the Gauteng Liquor Board**

**This will protect the residential character of the neighbourhood**

**The KRRA is gravely concerned about the proliferation of liquor outlets in Kensington and surrounding areas.**

 **We urge residents, businesses, schools, religious organisations and other stakeholders to lodge formal objections to the award of a liquor license to the applicant with the Gauteng Liquor Board in terms of the Gauteng Liquor Act of 2013 (Department of Economic Development) and the Gauteng Liquor Regulations 2013 administered by the Gauteng Liquor Board.**

**Who may lodge an objection?**

* A resident, school, place of worship, business or any concerned party may support or object to the award of a liquor license to the applicant.

**Types of liquor licenses**

There are different types of liquor licenses that can be applied: these are

(a) for the consumption of liquor on the premises such as restaurants, pubs, and taverns;

(b) for the consumption of liquor off the premises such as a liquor store.

There are different conditions that apply for different types of licenses such as trading hours; and the serving of meals.

The Gauteng Liquor Board may stipulate the conditions that apply to the award of a license. This may be over and above the requirements in the Act and the Regulations.

For example, set times when a business may operate, this differs for different types of businesses such as restaurants and pubs, Liquor may not be served to minors or intoxicated persons. An entertainment license will be needed if music will be provided.

**Reasons for the objection**

**Reasons must be stated clearly, the dates and times of the incidents and evidence if this is available. Reasons for the objection may include any one or more of the following:**

* If the award of a license is not in the public interest.
* In this regard, the social and economic impact of the business on the residential character of an area such as Kensington which is 99% a residential area, must be considered. How Kensington and surrounding areas are affected must be explained in the objection. Here is an example below of how an area may be affected.

|  |
| --- |
| **Gauteng Liquor Policy drafted in 2011 (Gauteng province)** ***“Proximity of licensed premises to public facilities.*** *There are many licensed premises which are located within a 500 metre radius of places of worship, educational institutions, similar licensed premises or public transport facilities in contravention of existing legislation. Many of these premises are generally located in residential areas. The result of the location of premises near schools and places of worship is that:* *• under-age persons have easy access to liquor;* *• intoxicated patrons victimise learners and educators and members of the community;* *• the activities within these premises and the noise and entertainment interferes with the activities at educational institutions and can be a nuisance to residents living in their vicinity;* *• These premises and their patrons operate for at least 16 hours a day, creating continuous noise and pollution for surrounding residents; and* *• These premises often have patrons who are involved in fights with each other after alcohol consumption or fights with other people as they leave the drinking premises.”.* *Source: Melville Residents Association* |

* If there are **schools and places of worship** within 500 metres of the facility or if there is likely to be an obstruction to transport systems. (The Liquor Act of 2003 states a 1 kilometre radius of these institutions).
* If the **area is already well served by similar licensed establishments**. Here a distinction is drawn between liquor stores (consumption of liquor off the premises) and consumption on the premises e.g. restaurants, pubs, night clubs, taverns. Each of these are described in the Act.
* The **premises must be suitable and meet the standards** of the various departments of the City of Johannesburg such as the Department of Health and Environment (e.g. in regard to the space for the kitchen and preparation of food; the meeting of safety standards, fire proofing and sound proofing where the application is for an entertainment license); and the Department of Development Planning where **rezoning of the property** is required.
* If it is a facility that **offers entertainment** and is likely to have loud music, this is also grounds for objection. Generally acceptable times in terms of the relevant bylaws for loud music would be Sunday to Thursday till 22:00 and Friday & Saturday till 00:00.
* There should adequate provision of **toilets and parking**.
* The applicant must be of **sound character** and fit to hold a license. In addition, the applicant should not have been convicted of an offence in general and in terms of the ‘liquor laws’.
* The **names, identity numbers and addresses of every person** who has a financial interest in the business and the nature and extent of their financial interests must be disclosed.
* The applicant must show that he/she/entity has the **right to occupy the premises** in respect of which the liquor licence is sought.

**Steps to follow when lodging an objection**

* **Notification of application for a license**: Application for liquor licenses are **published in an Extraordinary Government Gazette** usually on the first Wednesday of the month. Look out in the **local media** as the applicant also needs to publish their intention to apply for a license.
* A **notice of intention to apply must be affixed to the property**.
* If the above steps have not been followed, then this must be pointed out in the objection.
* **Obtain full application**: Upon receipt of the notice to apply or intention to apply for a liquor licence, the **objector needs to contact the Gauteng Liquor Board** via phone or email to obtain the **full application** with all the relevant information. Once you have this and have studied it, you will decide on whether to object or not, and on what grounds you will do so. On confirmation of the application received, there is a 21 calendar day period in which to object.
* **Inform applicant of objection**: Interested parties that wish to object will need to submit an objection as soon as possible to **alert the applicant** and hopefully invite a discussion.
* **Format of objection**: The form of the objection can be in a **letter format** and it should include your name and contact details or the organisation that you represent; the reference number of the applicant and **MOST IMPORTANT THE REASONS FOR YOUR OBJECTION**. Provide evidence where appropriate. See the reasons for the objection above.
* **Reasons**: The reasons **objection must not be vague**; you need to **set out your reasons clearly** and you need to provide **concrete information** e.g. how the proposed business will impact on learners or residents; crime and violence and so on. Provide evidence to support your claims.
* **Documentation**: The Gauteng Liquor Board requires a single copy of the objection, however, to confirm receipt it would be prudent to take a 2nd copy with to the Liquor Board and have both copies stamped as received. The 2nd copy is your confirmation that the Liquor Board has received your objection.
* **Inform applicant of objection**: In addition a copy of the objection MUST be forwarded to the agent of the applicant dealing with the application or to the applicant directly which can either be hand delivered or emailed direct to the said agent/applicant.

**Outcome**

* A hearing date will be set for all accepted objections. The persons/organisations who objected or their representative will have to attend the hearing.
* Objectors will be advised of the date and the requirement to appear by in person or with their representatives.
* The Liquor Board will advise if the objection is successful or not.
* You may request minutes of the meeting by paying a fee.
* Even if the Liquor Board does not rule in your favour, they would have heard your concerns and the applicant will know that the residents will not accept inappropriate conduct and that the conditions attached to the license will be monitored.

**Where to submit an objection**

* **Hand deliver** your objection to the Gauteng Liquor Board.
* Obtain acknowledgement of receipt of your submission of complaint.
* Submit a copy of your submission to the KRRA at action@krra.org.za

**Contact details**:

Gauteng Liquor Board

Johannesburg Regional Office

Matlotlo house, 4nd floor, 124 Main Street, Johannesburg

Tel.: 011-085-2245 or 011-0852265

Email: sibongile.gambu@gauteng.gov.za.