

## Removal of a Liquor Licence

*The process for applying for a removal of a liquor licence is given below. Application forms and relevant liquor legislation are available on the Western Cape Liquor Authority website. You can also contact our office on (021) 204 9805 or (021) 204 9700 or email us on [Liquor.Enquiries@wcla.gov.za](mailto:Liquor.Enquiries@wcla.gov.za) for more information or advise.*

- (1) A licensee who intends to remove a licence in terms of section 66(2) must lodge an application for the removal with the Authority and a copy thereof with the designated liquor officer in whose area of jurisdiction the licensed premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also with the designated liquor officer of that area, on any Friday of a month or, if that Friday is a public holiday, on the last working day before that public holiday.
- (2) The applicant must display a notice in the form of Form 27B in Annexure 3, in the three official languages of the Province, in a prominent place on the proposed licensed premises so that it is visible to passers-by.
- (3) The notice referred to above must—
  - (a) be headed by the words,  
“NOTICE OF LODGEMENT OF APPLICATION FOR REMOVAL OF LIQUOR LICENCE”,  
in bold-type upper-case letters at least 2 cm in height and in black lettering not less than 0,5 cm wide on a white background;
  - (b) be at least A3 in size on standard paper;
  - (c) be waterproofed; and
  - (d) be displayed from the date of lodgement of the application and remain in place for not less than 28 days from the date of publication of the notice of lodgement of the application.
- (4) An application referred to in subregulation (1) must—
  - (a) be made in the form of Form 27 in Annexure 3;
  - (b) be on A4-size standard white paper; and
  - (c) contain the information required in that form.
- (5) The application must be accompanied by:
  - (a) a legible, comprehensive floor plan of the proposed licensed premises on standard white paper not exceeding A3 in size clearly showing in contrasting colours—
    - (i) the proposed licensed premises in relation to the entire premises;
    - (ii) the dimensions of the proposed licensed premises;
    - (iii) the dimensions of each room on the proposed licensed premises;
    - (iv) the uses of all the rooms on the proposed licensed premises;

- (v) all doors, windows and counters, where applicable, and means of internal and external access;
  - (vi) the streets and places to which such means of external access lead;
  - (vii) where liquor will be stored on the proposed licensed premises;
  - (viii) the areas on the proposed licensed premises where liquor will be sold in relation to the entire premises;
  - (ix) the areas on the proposed licensed premises where liquor will be consumed in relation to the entire premises;
- (b) a legible site plan of the proposed licensed premises on standard white paper not exceeding A3 in size and clearly showing—
- (i) in relation to the proposed licensed premises, an outline of every building on the erf to which the application relates and the uses of those buildings;
  - (ii) the relation of the proposed licensed premises to a residential area;
  - (iii) the relation of the proposed licensed premises to any institutions referred to in section 34(1)(e)(ii) to (v), with distances indicated in metres;
  - (iv) the relation of the proposed licensed premises to an undertaking referred to in section 41(1)(c)(i), with distances indicated in metres;
  - (v) other licensed premises on the erf; and
  - (vi) the relation of the proposed licensed premises to areas where delivery vehicles will stop to load and offload goods;
- (c) an aerial view map showing the relation of the proposed licensed premises to a residential area;
- (d) in a separate document, a description of the premises, with reference to the construction, layout, furnishing, fixtures, fittings and floor covering;
- (e) indexed colour photographs showing the completed internal and external features of the proposed licensed premises or, where the application relates to incomplete premises, the stage of completion of the premises;
- (f) written representations in support of the application and any determination, consent, approval or authority simultaneously applied for;
- (g) proof of payment to the Authority of the applicable application fee set out in Item 11 of Annexure 1;
- (h) a certified copy of the—
- (i) identity card or document of the applicant;
  - (ii) passport and visa or, where applicable, the permanent residence permit of the applicant, if the applicant is a foreigner; or
  - (iii) relevant registration documents, indicating the identity and, where applicable, the financial interest of all the members, directors, partners, beneficiaries or trustees of the applicant, if the applicant is a person other than a natural person;
- (i) such documents as may be specified in Form 27 in Annexure 3 and in the Act, or as may be requested by the Liquor Licensing Tribunal;

- (j) an affidavit by the applicant that he, she or it is not disqualified in terms of section 35 from holding a liquor licence;
  - (k) proof that the applicant has lodged a copy of the application with the designated liquor officer in whose area of jurisdiction the licensed premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, proof that the applicant has lodged a copy of the application with the designated liquor officer of that area;
  - (l) proof that the applicant has the right to occupy the proposed licensed premises;
  - (m) proof of ownership of the proposed licensed premises or, if the applicant is not the owner of the premises, written consent from the owner that the applicant may use the proposed licensed premises for the purposes of the licence in respect of which the application for removal was lodged in terms of subregulation (1).
- (6) All plans attached to the application must show the date of preparation of and the name and address of the person who prepared the plan.
- (7) The Authority and the designated liquor officer or officers concerned must allow the public to inspect the application and every document lodged with the Authority in connection with the application for a period of 28 days after the date of publication of the notice of lodgement of the application.
- (8) The designated liquor officer to whose area of jurisdiction the licence is to be removed must—
- (a) serve a copy of the application on the municipal manager of the relevant municipality within seven days from the date of lodgement of the application, in order for the municipality to—
    - (i) allow the public to view the application;
    - (ii) obtain the comments of the ward councillor of the area in the municipality where the proposed licensed premises are located; and
    - (iii) comment on the application;
  - (b) give notice of the application to—
    - (i) neighbouring residents or such persons who in his or her judgement may be affected by, or have an interest in, the granting or refusal of the application; and
    - (ii) the community policing forum, if any, of the area in which the proposed licensed premises are located.
- (9) If the municipality referred to in subregulation (11) intends to comment, it must forward its comments or recommendations within 28 days after being served with a copy of the application.

- (10)(a) If a person who has an interest in the granting or refusal of an application lodged in terms of subregulation (1) intends to make representations for or against the granting or refusal of that application, he, she or it may do so in writing within 28 days from the date of publication of the notice of lodgement of the application.
- (b) The person referred to in paragraph (a) must—
- (i) serve a copy of the written representations on the applicant or his, her or its representative and the designated liquor officer to whose area of jurisdiction the licence is to be removed within the period referred to in paragraph (a); and
  - (ii) lodge the original written representations with the Authority within the period referred to in paragraph (a).
- (11) The designated liquor officer in whose area of jurisdiction the premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also the designated liquor officer of that area, must, within 35 days from the date of publication of the notice of lodgement of the application, serve a copy of his or her report in respect of the application on the applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.
- (12) The report by the designated liquor officer in whose area of jurisdiction the premises are currently located must include the following—
- (a) the address of the licensed premises;
  - (b) a summary of the manner in which the licensee conducted his or her business on the licensed premises; and
  - (c) a recommendation for the granting or rejection of the application.
- (13) The report by the designated liquor officer to whose area of jurisdiction the licence is to be removed must include the following—
- (a) the address of the proposed licensed premises;
  - (b) the location of the proposed licensed premises in relation to—
    - (i) the institutions referred to in section 34(1)(e)(ii) to (v);
    - (ii) a residential area;
    - (iii) other licensed premises; and
    - (iv) an undertaking referred to in section 41(1)(c)(i);
  - (c) the suitability of the proposed licensed premises;
  - (d) the public interest;
  - (e) crime statistics, if any, which he or she deems relevant in relation to the proposed licensed premises;
  - (f) a recommendation for the granting or rejection of the application;
  - (g) a statement on whether the applicant complied with subregulation (5);

- (h) a statement on whether a copy of the application was served on the municipality concerned in accordance with subregulation (11)(a);
  - (i) a statement on whether notice of the application was given in accordance with subregulation (11)(b).
- (14) If either of the designated liquor officers referred to in subregulation (1) fails to lodge his or her report in terms of subregulation (14) the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information referred to in—
- (a) subregulation (15)(a) and (b) and a recommendation contemplated in subregulation (15)(c); or
  - (b) subregulation (16)(a), (b), (c), (d), (g), (h), (i), a recommendation contemplated in subregulation (16)(f) and, where available, the information referred to in subregulation (16)(e),
- as the case may be, in respect of the application concerned.
- (15) An inspector must lodge his or her report with the Authority and forward a copy thereof to the applicant within 21 days of receipt of the instruction referred to in subregulation (17).
- (16) If the report by a designated liquor officer referred to in subregulation (14) or a report by an inspector referred to in subregulation (18) relating to the application contains any information or recommendation that adversely affects the application, the applicant must lodge with the Authority his, her or its response to such report within seven days after having been served with a copy thereof.
- (17) The Liquor Licensing Tribunal must consider an application made in terms of subregulation (1) within 30 days after receipt of all the relevant documents referred to in subregulations (1), (7), (8), (12), (13), (14), (18) and (19).
- (18) The Authority must, within seven days after the Liquor Licensing Tribunal has decided on an application made in terms of subregulation (1), notify the applicant and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision in the form of Form 27C in Annexure 3.
- (19) When the Liquor Licensing Tribunal conditionally grants an application made in terms of subregulation (1) or grants an application as contemplated in section 66(13), as the case may be, the Authority must within seven days thereof notify the applicant and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision in the form of Form 27D in Annexure 3.

- (20) When an application made in terms of subregulation (1) is granted, the Authority must, subject to subregulation (24), within 14 days after payment by the applicant of the applicable fee set out in Part B of Annexure 2 of the Western Cape Liquor Regulation of 2011 as amended in 2017 to the Authority, issue a certificate of removal in terms of section 66(6) in the form of Form 28 in Annexure 3.
- (24) When an application made in terms of subregulation (1) is conditionally granted or an application is granted as contemplated in section 66(13), the Authority must, within seven days after the Presiding Officer has satisfied himself or herself that the applicant has complied with the conditions imposed by the Liquor Licensing Tribunal or the conditions or requirements imposed by the Presiding Officer, as the case may be, notify the applicant in writing thereof.
- (25) The notice to the applicant must be in the form of Form 27E in Annexure 3 Western Cape Liquor Regulation of 2011 as amended in 2017.
- (26) The applicant must pay the applicable fee set out in Part B of Annexure 2 to the Authority and lodge proof of payment with the Authority.
- (27) The Authority must, within 14 days of receipt of proof of the payment referred to in subregulation (26), issue a certificate of removal to the applicant in the form of Form 28 in Annexure 3 Western Cape Liquor Regulation of 2011 as amended in 2017.

**For more information contact us on:**

Tel: (021) 204 9805 or (021) 204 9700

Email: [Liquor.Enquiries@wcla.gov.za](mailto:Liquor.Enquiries@wcla.gov.za)