

Temporary Liquor Licence

The process for applying for a temporary liquor licence is explained in detail below. Any person with a liquor licence can apply for a temporary liquor license. You can apply for a temporary liquor licence for 14 consecutive days at a time and for not more than 30 days in a year. 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 for more information or advise.

- (1) An applicant for a temporary liquor licence must lodge an application with the Authority, and a copy thereof with the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located and with the municipality concerned.

- (2) An application for—
 - (a) a temporary liquor licence must—
 - (i) be made at least 39 days before the first day of the event;
 - (ii) be made in the form of Form 8 in Annexure 3 (*Forms also available on the WCLA website*);
 - (iii) be on A4-size standard white paper; and
 - (iv) contain the information as required in that form;

- (3) An application for a temporary liquor licence must be accompanied by—
 - (a) a legible, comprehensive floor plan of the proposed licensed premises on standard white paper not exceeding A3 in size and 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; and
 - (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 in contrasting colours—
 - (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 date of preparation of and the name and address of the person who prepared the plan;
- (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 as indicated on the floor plan referred to in paragraph (a);
 - (f) written representations in support of the application;
 - (g) proof of payment to the Authority of the application fee for a temporary liquor licence set out in Item 2 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 other documents as may be specified on the application form and in the Act, or as may be requested by the Authority;
 - (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 proposed licensed premises are located and with the municipality concerned;
 - (l) proof that the applicant has the right to occupy the proposed licensed premises for the period of the licence applied for;
 - (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 applied for; and
 - (n) a nomination for the appointment of a manager in accordance with regulation 22.
- (4) The designated liquor officer must, within five days after an application has been lodged in terms subregulation (1)(a) or (b), as the case may be, serve a copy of his or her report referred to in section 73(7)(a) containing the information referred to in regulation 15(3)(a)(i) to (vi) and

a recommendation contemplated in regulation 15(3)(b) on the applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.

- (5) The municipality concerned must, within eight days after the application has been lodged in terms of subregulation (1)(a) or (b), as the case may be, forward the comments and documents referred to in section 40(2), if any, to the Authority and the applicant.
- (6) If the designated liquor officer fails to lodge his or her report in terms of subregulation (5), 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 regulation 15(3)(a)(i), (ii), (iii) and (v), a recommendation contemplated in regulation 15(3)(b) and, where available, the information referred to in regulation 15(3)(a)(iv) and (vi), in respect of the application concerned.
- (7) An inspector must lodge his or her report with the Authority and forward a copy thereof to the applicant within two days of receipt of the instruction referred to in subregulation (7).
- (8) If the municipality concerned does not forward comments and documents in terms of subregulation (6), the Chief Executive Officer must notify the municipality that the period referred to in subregulation (6) has lapsed and that the Presiding Officer may nonetheless proceed to consider the application made in terms of subregulation (1)(a) or (b), as the case may be.
- (9) The Authority must serve on the applicant copies of any objections or representations lodged with the Authority in respect of an application made in terms of subregulation (1)(a) or (b).
- (10) The applicant must, within ten days of lodgement of an application in terms of subregulation (1)(a) or (b), lodge with the Authority his, her or its response to—
 - (a) a report by the designated liquor officer contemplated in subregulation (5) or by an inspector contemplated in subregulation (8);
 - (b) comments and documents, if any, forwarded by the municipality;
 - (c) any objections or representations that may have been lodged with the Authority if the objections or representations so lodged were served on the applicant within eight days of lodgement of the application.
- (11) The Presiding Officer may, within three days of receipt of the applicant's response contemplated in subregulation (11), or if no response was received, within three days of the day on which the response of the applicant was due in terms of subregulation (11), request additional information as referred to in section 48(9) from the applicant.

- (12) The applicant must furnish the Authority with the additional information within three days of being requested to do so.
- (13) An application for condonation in terms of section 48(10) must be lodged with the Authority in the form of Form 12A.
- (14) An application contemplated in subregulation (14) must be accompanied by—
- (a) the application in terms of subregulation (1)(a) or (b), as the case may be, in respect of which condonation is applied for;
 - (b) written representations in support of the application; and
 - (c) proof of payment to the Authority of the penalty referred to in section 48(10).
- (16) The Presiding Officer must either grant or refuse an application made in terms of subregulation (1)(a) or (b)—
- (a) within 19 days of the date of lodgement of the application; or
 - (b) in the case of an application for condonation in terms of subregulation (14), on the day on which the application for condonation is granted.
- (16) The Authority must, on the day following the day contemplated in subregulation (16) 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.
- (17) If the application made in terms of subregulation (1)(a) or (b) is granted—
- (a) the applicant must, on the day contemplated in subregulation (17), pay the fee set out in Item 5 or 6 in Part A of Annexure 2, as the case may be, to the Authority and lodge proof of the payment with the Authority; and
 - (b) the Authority must, within one day of receipt of proof of the payment referred to in paragraph (a), issue a licence, in the form of Form 10 or 11 in Annexure 3, as the case may be.
- (18) Before the Presiding Officer issues a notice in terms of section 48(13), the Authority must serve on the holder of the licence copies of any report, complaint, referral or representations contemplated in section 48(14) together with a notice in the form of Form 12B in Annexure 3 setting out:
- (a) the action which the Presiding Officer proposes to take in terms of section 48(13);
 - (b) the nature and purpose of the proposed action;
 - (c) the right of the holder of the licence to make representations within the period stipulated in the notice;
 - (d) the right of the holder of the licence to appeal or apply for the review of any decision of the Presiding Officer.

- (19) The Presiding Officer must, on the expiry of the period referred to in the notice, consider and decide on the proposed action to be taken.
- (20) The Authority must, on the day that the Presiding Officer takes a decision as contemplated in subregulation (20)—
- (a) notify the holder of the licence, the Chief Executive Officer and each person who lodged a report, complaint, referral or representations contemplated in section 48(14) with the Authority in writing of the decision; and
 - (b) if the decision is to take any action in terms of section 48(13), deliver or tender the notice referred to in section 48(13) to the holder of the licence.”.

For more information contact us on:

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

Email: Liquor.Enquiries@wcla.gov.za