



**REFERENCE:**

WCP/044652

**ENQUIRIES:**

AIDEN MARAIS

**TELEPHONE**

021 204 9822

## ANNEXURE B

**LICENCE NUMBER:**

WCP044652

### CONDITIONS FOR THE SALE OF LIQUOR FOR CONSUMPTION OFF THE PREMISES WHERE THE LIQUOR IS SOLD

**LICENSEE**

: BERRY AMAZING HOLDINGS (PTY) LTD

**NAME OF PREMISES**

: OUTENIQUA TOPS

**LOCATION OF PREMISES**

: ERF 26205, 25835, 29620, 29621, OUTENIQUA VILLAGE,  
CORNER N9 AND ST GEORGE'S ROAD, GEORGE

#### THIS LICENCE IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

##### 1. DEFINITIONS

In these Conditions, unless the context indicates otherwise:

Act means

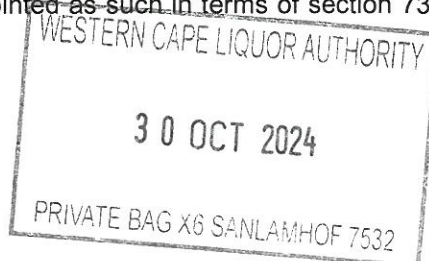
The Western Cape Liquor Act, 4 of 2008, as amended.

Designated Liquor Officer means

A person designated as such in terms of section 73(1) of the Act.

Inspector means

A person appointed as such in terms of section 73(4) of the Act.





<u>Liquor</u> means	Liquor as defined in the Act
<u>Local Authority</u> means	Municipality as referred to in this Act, as well as "local municipality" and "metropolitan municipality" as referred to in the Municipal Structures Act, 117 of 1998, as amended.
<u>Manager</u> means	A natural person, residing in the Western Cape and involved in the day to day operations or management of the liquor outlet.
<u>Regulation</u> means	Regulations promulgated in terms of the Act.
<u>Section</u> means	Sections of the Act.
<u>Restricted area</u> means	every area where liquor is sold from and if liquor is sold from any place where the entire room has not been declared a restricted area, there would also be a boundary around such place of 1(one) meter.

The definitions of the Act will apply in respect of the conditions contained herein.

## 2. TRADING HOURS

Trading days and hours during which the sale of liquor may take place will be as determined by the local authority.

## 3. THE LICENSED PREMISES

- 3.1 The licensed premises is the area indicated in colour on the signed plan as approved and attached to the liquor licence.
- 3.2 No liquor may be stored, sold, served or consumed in any area not indicated for that purpose on the plan.
- 3.3 No changes, extensions or alterations may be made to the licensed premises unless approved by the Liquor Licencing Tribunal or Presiding Officer of the Western Cape Liquor Authority.
- 3.4 A retail food store (grocer) must sell its liquor from a designated area, which must be rendered inaccessible to the public at all times when liquor may not be sold.





#### 4. THE LICENSEE

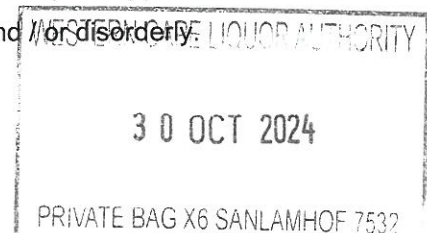
- 4.1 The person or entity approved as licensee is the only person or entity entitled to utilise the liquor licence for the sale of liquor.
- 4.2 The person or licensee may not let the liquor licence or the premises or any part of the premises in respect whereof such license was granted, to anyone.
- 4.3 The licence, or financial interest in the licensee of 5% or more, may not be transferred and no other person is allowed to use or benefit from the liquor licence unless a certificate authorising same has been approved by the Liquor Licensing Tribunal and or Presiding Officer and issued by the Western Cape Liquor Authority.
- 4.4 Unless the licensee is a natural person, the licensee must ensure that a manager, residing in the Western Cape, is at all times appointed in respect of the liquor licence.

#### 5. MANAGEMENT

- 5.1 Athanasios Manitsas is appointed as manager in terms of section 52.
- 5.2 The licensee and the manager must at all times ensure that the business is conducted in accordance with the liquor licence conditions and all legal requirements.

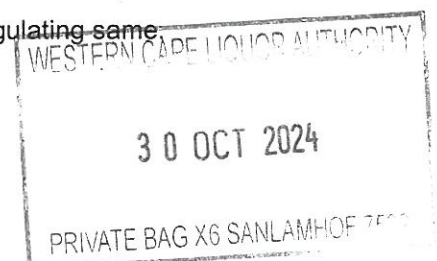
#### 6. NATURE AND CONDUCT OF THE BUSINESS

- 6.1 The licensee may sell **all kinds of liquor** subject to 6.2, for consumption off the licensed area, as indicated on the attached approved plan.
- 6.2 Any liquor product sold on the premises:
  - (i) must be pre-packaged in a self-supporting container; or
  - (ii) if filled in a container which is not self-supporting, such container must
    - (aa) be pre-packaged in a self-supporting, non-returnable, tamper-proof outer packaging, which completely encloses and covers up that container;
    - (bb) be equipped with a sealed tap, which can be used in conjunction with the outer packaging;
- 6.3 Liquor packaged in "Papsakke" may not be sold.
- 6.4 No container may be opened and no liquor may be consumed on the licensed premises.
- 6.5 The nature of the business may not be changed from that approved by the Liquor Licensing Tribunal and or Presiding Officer without the prior approval thereof.
- 6.6 No liquor may be sold to persons who are drunk and disorderly.





- 6.7 No person who is drunk and /or disorderly may be allowed to stay on the licensed premises.
- 6.8 No liquor may be purchased from a person who is not allowed and licensed to sell that liquor.
- 6.9 No person, other than a licensee, may purchase, and a licensee may not sell to one person, in a single day to a person more liquor than that which the Minister may prescribe, without the prior written consent of the Presiding Officer of the Liquor Licensing Tribunal (Regulation 27, 2011 = 150 liters).
- 6.10 No person may sell or supply liquor on credit, or receive or hold any document including any financial instrument such as a debit/credit card, social grant cards, identity documents or any other property as security for the payment of such credit.
- 6.11 No liquor may be sold to a person knowing or suspecting that such person will resell the liquor otherwise than is permitted in terms of the Western Cape Liquor or similar act.
- 6.12 The licensee and/or manager must at all times ensure that the activities and business conducted on the premises do not cause any nuisance or disturbance to others, including but not limited to neighbours, residents, other occupiers of buildings in the area and passers-by.
- 6.13 The licensee must ensure that the liquor licensed business is at all times conducted in accordance with all statutory and legal requirements, including all By-laws and regulations of the local authority.
- 6.14 The licensee must in the premises prominently display signs warning against the dangers of liquor abuse.
- 6.15 The licensee must, at the entrance to the premises, prominently display signs indicating that no under eighteens will be allowed and that proof of date of birth must be provided upon request.
- 6.16 The licensee must in the licenced premises, prominently display signage stating that it is an offence to:
- While driving be under the influence of intoxicating liquor which exceeds the limit as prescribed in the National Road Traffic Act 93 of 1996;'
  - for any person to consume alcohol in a vehicle driven or parked on a public road;
  - for any person and the driver to have an open container with liquor in a vehicle driven or parked on a public road;
- 6.17 All signage and displays exhibited on or near the liquor licensed premises must where applicable comply with the statutes and regulations regulating same

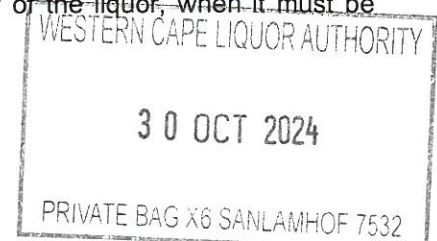




- 6.18 All products sold or supplied on the premises must be liquor products as defined in the Liquor Products Act, 1989 (Act 60 of 1989), or be beer as defined in this Act.
- 6.19 No bottling is allowed on the licensed premises.
- 6.20 Liquor may only be sold in a plastic container if –
- (i) it is new plastic
  - (ii) it complies with the PET standards and requirements as prescribed by the Liquor Products Act of 1989, as amended, or any act by which it is replaced;
  - (iii) it has a “use by date” that does not exceed 3 months from date of bottling;
  - (iv) it is equipped with a sealed, tamper-proof cap;
  - (v) it has a capacity of not more than 5 liters
- 6.21 The Licensee/appointed manager shall ensure that liquor sold or supplied on the licensed premises, may not be consumed on the licensed premises at all.
- 6.22 The Licensee/appointed manager shall not allow for the sale of liquor to patrons in containers which are not sealed. Liquor may only be sold in a properly sealed container, bearing the seal or label of a registered manufacturer or licensed micro-manufacturer. All containers with liquor must be sealed when sold and remain sealed when leaving the premises.
- 6.23 No substance of any sort may be added to liquor that is sold from the licensed premises.
- 6.24 No further fermentation may take place from the date of bottling/packaging till the date of consumption in respect of any liquor sold. The Alcohol content of the liquor sold, may not increase to a higher percentage per volume as from date of bottling/packaging till date of consumption, nor may it be higher than that as indicated on the label.
- 6.25 No liquor may be sold by means of on-line platform from the licenced premises.**

## **7. DELIVERY OF LIQUOR (SECTION 50)**

- 7.1 Liquor may not be delivered from any vehicle or any other means unless the liquor was ordered from the licensed premises in the exact quantity before the dispatch of the liquor and an invoice, the original of which was retained on the licenced premises, was issued in the prescribed manner;
- 7.2 Invoices must be issued in the manner prescribed by Regulation 20 of the Western Cape Liquor Regulations, 2011;
- 7.3 Liquor may be delivered only to the address shown on the invoice described in paragraph 7.1;
- 7.4 A legible copy of the invoice described in paragraph 7.1 must be retained in the delivery vehicle from the time of dispatch to the time of delivery of the liquor, when it must be handed to the person accepting delivery;





- 7.5 Where the quantity of liquor being purchased is above the prescribed threshold, the purchaser must produce his or her liquor licence, identity document and provide contact details as prescribed;
- 7.6 Where the quantity of liquor being purchased is above the prescribed threshold, the liquor may only be delivered to and at the licenced premises.
- 7.7 Liquor manufactured or ordered by the licensee may only be delivered (in the case of liquor that was ordered) and stored at the licensed premises or such other or additional place as contemplated in section 57(1) of the Act; and

## **8. INVOICES (REGULATION 20)**

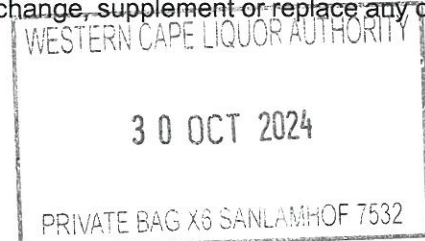
The licensee must, with regard to the delivery of liquor, in terms of regulation 20, make out an invoice that contains at least the following information –

- 8.1 the name and address of the licensed business;
- 8.2 the licence number of the licensed business;
- 8.3 the invoice number and date of issue;
- 8.4 the full name and address of the person ordering the liquor and the address to which the delivery is to be made;
- 8.5 the kind of liquor to be delivered; and
- 8.6 the purchase price paid or to be paid.

## **9. DOCUMENTS TO BE DISPLAYED**

The Licensee shall ensure that the following original documents or a certified colour copy thereof is:

- 9.1 displayed inside the licensed premises at a prominent place on the licensed premises:
- 9.1.1 the liquor licence in respect of the premises; and
- 9.1.2 the plan approved as part of the liquor licence.
- 9.2 available on the premises and be made available upon request:
- 9.2.1 the conditions applicable in respect of the liquor licence;
- 9.2.2 the manager appointment approved by the Authority;
- 9.2.3 certificates regarding the removal or transfer of the liquor licence;
- 9.2.4 any document issued by the Authority to change, supplement or replace any of the aforementioned;
- 9.2.5 the latest renewal notice;





- 9.2.6 if applicable, a copy of the completed prescribed form indicating that the licensee has applied to subscribed to a biennial (renewal) cycle; and
- 9.2.7 proof of payment (which contains the license number) of the renewal in respect of the relevant year or two –year period

## **10. PROHIBITION ON LIQUOR SOLD TO MINORS**

- 10.1 The licensee or a manager may not sell, supply, avail or give liquor to a person under the age of eighteen (18) years.
- 10.2 The licensee and / or the manager or person in charge at the licenced premises **MUST** before any liquor is sold, ensure that the person to whom the liquor is supplied to, is above the age of 18 years.

## **11. RESTRICTED AREA**

- 11.1 The area licensed for the sale of liquor shall be regarded as a restricted area. Persons under the age of eighteen are prohibited from entering the restricted area.
- 11.2 In addition, a restricted area includes –
- (a) a room or any place on licensed premises where liquor is sold over a counter; and
  - (b) premises, not being a retail food store, licensed only for the sale of liquor for consumption off the licensed premises.
- 11.3 A person under the age of eighteen (18) years may have access to a restricted area on licenced premises where liquor is sold for consumption off the licensed premises only if accompanied either by a parent or a guardian or by an adult with the consent of a parent or a guardian of that person.

## **12. TRAINING**

The Liquor Licensing Tribunal may, at any time when appropriate, direct that the licence may not be issued or should be suspended until the applicant or licensee or manager in terms of section 52, or an employee or employees of the applicant or licensee, has completed such training and education as the Liquor Licensing Tribunal requires on a date to be determined by the Administration. Not attending such training may lead to the review/suspension of the liquor licence.





### 13. SALE OF LIQUOR

- 13.1 A licensee may not sell or supply liquor from any place other than the licensed area as indicated on the approved plan.
- 13.2 A licensee may advertise the sale of liquor and solicit and receive orders for the purchase of liquor elsewhere than on the licensed premises.
- 13.3 The advertisements and the signage must be in accordance with the applicable regulations and by-laws.

### 14. SECURITY

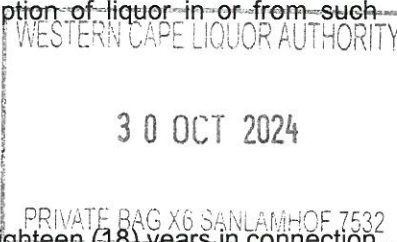
- 14.1 The licensee must at all times be in proper control of the licensed premises and may not allow customers to bring any weapons or dangerous objects on the licensed premises.
- 14.2 The licensee must not allow a supplier of unlawful drugs to be or remain on the premises.
- 14.3 The licensee must not allow the sale, use or possession of drugs upon the premises in contravention of any law relating to such sale, use or possession.
- 14.4 Security guards, appointed by the licensee must be on duty at all times during the operation of the business to ensure that clients enter the premises in an orderly manner and especially exit the licensed premise in an orderly manner and without causing noise or a nuisance to others, ensure the safety of customers in and around the premises and exercise sufficient control in and around the premises.

### 15. STORAGE

- 15.1 A licensee must store his, her or its liquor on the licensed premises or in such other or additional place within the Province as may be approved by the Liquor Licensing Tribunal when granting a license or by the Presiding Officer, on application, at any time thereafter.
- 15.2 A licensee may not sell, supply or allow the consumption of liquor in or from such other or additional place of storage.

### 16. EMPLOYMENT

- 16.1 A licensee may not employ a person under the age of eighteen (18) years in connection with the sale or supply of liquor.





- 16.2 An employer may not -
- (i) supply liquor to a person as an inducement to secure his or her employment;
  - (ii) supply liquor to an employee instead of wages;
  - (iii) deduct from an employee's wages the cost of liquor supplied to the employee or any other person on his or her behalf; or
  - (iv) withhold payment of the wages of an employee in lieu of a debt in respect of the sale or supply of liquor.

## **17. ACCESS TO THE LICENCED PREMISES BY DESIGNATED LIQUOR OFFICER AND LIQUOR INSPECTOR**

A designated liquor officer and a liquor inspector may exercise the powers referred to in section 74 of the Act, relating to the entry, inspection and search of the premises at any time when the business is being conducted and at any time when business may be conducted in terms of the applicable by-law or hours as specified in these conditions.

On request from the licensee, manager or person in charge of the licenced premises the designated liquor officer or liquor inspector must identify him / herself.

## **18. NOTICE REGARDING OTHER REQUIREMENTS**

The granting of this license does not absolve the licensee from his, her or its responsibility to comply with the provisions of any other law that may be applicable (including any law or relating to business or entertainment license requirements, consent uses, departures or any other requirements prescribed by any other authority) with regard to the conducting of business on the licensed premises.

The licensee / manager appointed must familiarise themselves with the conditions and all legislation regarding the sale of liquor. Of specific note in this regard are, but not limited to, amongst others:

- (i) Liquor Products Act
- (ii) Western Cape Liquor Act
- (iii) Western Cape Liquor Regulations
- (iv) Zoning Regulations and / or Scheme
- (v) Western Cape Gambling and Racing Act
- (vi) Health Regulations
- (vii) Fire and Safety Regulations





- (viii) Occupational Health and Safety Act and Regulations
- (ix) Tobacco Products Control Act
- (x) Business Licence Regulations
- (xi) Entertainment Licence regulations and conditions
- (xii) Municipal By-Laws
- (xiii) Consumer Protection Act
- (xiv) Immigration Act
- (xv) Refugee Act
- (xvi) Disaster Management Act 57 of 2002 and Regulations
- (xvii) Customs and Excise Act

Non-compliance with any of the mentioned statutes or any other legislation relating to the conducting of the licensed business is a contravention and may be brought to the attention of the Western Cape Liquor Authority and may lead to the liquor licence being revoked or such other sanction may be imposed as provided for in the Act.

## 19. CONTRAVENTIONS

Any contravention of or failure to comply with one or more of the conditions of the liquor license constitutes an offence and may result in the liquor license being revoked or such other sanction as may be imposed as provided for in the Act.

## 20. VICARIOUS RESPONSIBILITY

The Licensee needs to acquaint himself / herself/ it with the conditions contained in Section 83 of the Act, which allows for the licensee to be held liable and responsible for all acts or omissions committed by the manager, agent or employee of the Licensee and such other person will also be liable for those actions/omissions committed by him/her.





## 21. GENERAL

If any one of the conditions of this license is found to be illegal or unconstitutional, the rest of the conditions will remain in force and that section that is found to be illegal/unconstitutional shall be deemed to be severable from the rest of the conditions and as if it had not been written at all.

**Presiding Officer of the Liquor Licensing Tribunal**

(or person acting under power delegated by the Presiding Officer)

**WESTERN CAPE LIQUOR AUTHORITY**

