



**REFERENCE:**

**WCP/044632**

**ENQUIRIES:**

**ELTON MAY**

**TELEPHONE**

**021 204 9700**

## ANNEXURE B

**LICENCE NUMBER : WCP/044632**

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

**LICENSEE : SEPIALS KITCHEN (PTY) LTD**

**NAME OF PREMISES : THE FERMENTARY**

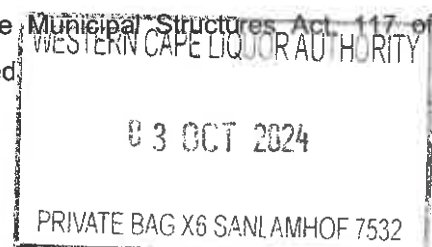
**LOCATION OF PREMISES : THE FERMENTARY, UNIT F01, MAKERS LANDING,  
CRUISE TERMINAL, DUNCAN ROAD, V & A  
WATERFRONT, CAPE TOWN**

**THIS LICENCE IS SUBJECT TO THE FOLLOWING CONDITIONS:**

#### 1. DEFINITIONS

In these Conditions, unless the context indicates otherwise:

<u>Act</u> means	The Western Cape Liquor Act, 4 of 2008, as amended.
<u>Designated Liquor Officer</u> means	A person designated as such in terms of section 73(1) of the Act.
<u>Inspector</u> 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.





**Manager** means

A natural person, residing in the Western Cape and involved in the day to day operations or management of the liquor outlet.

**Regulation** means

Regulations promulgated in terms of the Act.

**Section** means

Sections of the Act.

The definitions of the Act will apply in respect of these conditions.

## **2. TRADING HOURS**

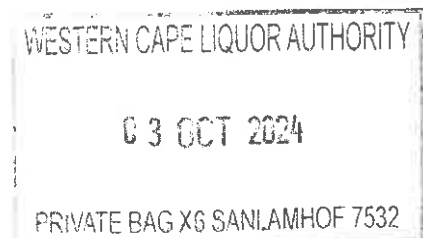
The sale and consumption of liquor will be restricted to the hours of trade as approved by the Local Authority.

## **3. THE LICENCED PREMISES**

- 3.1 The licenced 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 licenced premises unless previously approved by the Liquor Licencing Tribunal or the Presiding Officer of the Western Cape Liquor Authority.

## **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 to anyone. 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 Licencing Tribunal and issued by the Western Cape Liquor Authority.
- 4.3 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.



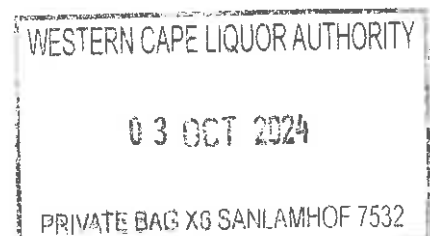


## 5. MANAGEMENT

- 5.1 Saet Byol Shim 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**, for consumption on the licensed area, as indicated on the attached approved plan.
- 6.2 The nature of the business namely that of a restaurant may not be changed from that approved by the Liquor Licensing Tribunal without the prior approval thereof.
- 6.3 All liquor sold must be opened when it is served, all liquor must be consumed on the licensed premises and no liquor may be removed from the liquor licensed premises.
- 6.4 No liquor may be sold to persons who are drunk and/ or disorderly.
- 6.5 No person who is drunk and/or disorderly may be allowed to stay on the licensed premises.
- 6.6 No liquor may be purchased from a person who is not allowed and licensed to sell that liquor.
- 6.7 The licensee must ensure that the liquor licenced business is at all times conducted in accordance with all statutory and legal requirements, including all By-laws and regulations of the local authority.
- 6.8 The licensee must in the premises prominently display signs warning against the dangers of liquor abuse.
- 6.9 The licensee must in the premises prominently display signs indicating that no under eighteens will be allowed in a restricted area and that proof of date of birth must be provided upon request.
- 6.10 All signage and displays exhibited on or near the liquor licenced premise must where applicable comply with the statutes and regulations regulating same.
- 6.11 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.
- 6.12 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 debt.





- 6.13 No person other than a legitimate supplier of liquor, may bring any liquor onto the licensed premises, unless specifically so authorised by the Presiding Officer upon application.

## **7. DOCUMENTS TO BE DISPLAYED**

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

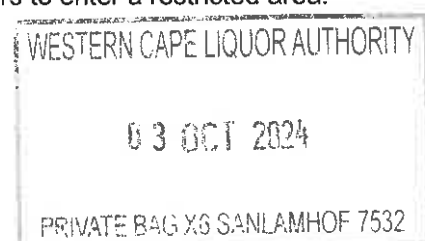
- 7.1 displayed inside the licenced premises on a conspicuous place:
- 7.1.1 the liquor licence in respect of the premises (Form 4 or 11); and
  - 7.1.2 the plan approved as part of the liquor licence.
- 7.2 available on the premises and be made available upon request:
- 7.2.1 the conditions applicable in respect of the liquor licence;
  - 7.2.2 the manager appointment approved by the Authority;
  - 7.2.3 certificates regarding the removal or transfer of the liquor licence;
  - 7.2.4 any document issued by the Authority to change, supplement or replace any of the aforementioned;
  - 7.2.5 the latest renewal notice; and
  - 7.2.6 if applicable, a copy of the completed prescribed form indicating that the licensee has applied to subscribed to a biennial (renewal) cycle; and
  - 7.2.7 proof of payment (which contains the license number) of the renewal in respect of the relevant year or two –year period.

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

- 8.1 The licensee and/or the manager or person in charge at the licensed premises MUST, before any liquor is sold, ensure that the person the liquor is supplied to is above the age of 18 years.
- 8.2 A licensee or a manager, as the case may be, may not allow a person under the age of eighteen (18) years to be in a part of the licensed premises (restricted area) in which such a person may not be in terms of this Act or in terms of a condition of the licence.

## **9. RESTRICTED AREA**

- 9.1 Except as provided for in section 55(1) and section 56(3) of the Act, a licensee may not permit a person under the age of eighteen (18) years to enter a restricted area.
- 9.2 A restricted area is –





- (i) a room or any place on licensed premises where liquor is sold over a counter, except when meals are being served to diners seated at tables in such a room or place;
  - (ii) a room or place which the Liquor Licensing Tribunal has demarcated as an area in which persons under the age of eighteen (18) years are not allowed to be; and
- 9.3 A person under the age of eighteen (18) years may have access to a restricted area if accompanied either by a parent or a guardian or by an adult with the consent of a parent or a guardian, unless the conditions under which the licence was granted, determines otherwise.
- 9.4 Every restricted area must be indicated as such in a manner as prescribed.

## 10. TRAINING

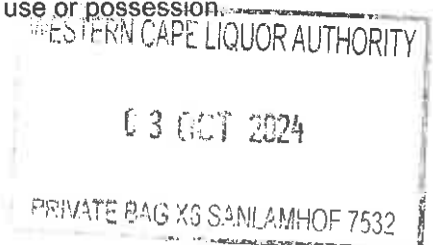
The Liquor Licensing Tribunal may, at any time when appropriate, direct that the licence may not be issued or should be suspended until the applicant or licensee or manager in terms of section 52, or an employee or employees of the applicant or licensee, has completed such training and education as the 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.

## 11. SALE OF LIQUOR

- 11.1 A licensee may not sell or supply liquor from any place other than the licenced area as indicated on the approved plan.
- 11.2 A licensee may advertise the sale of liquor elsewhere than on the licensed premises.
- 11.3 The advertisements and the signage must be in accordance with the applicable regulations and by-laws.

## 12. SECURITY

- 12.1 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.
- 12.2 The licensee must not allow a supplier of unlawful drugs to be or remain on the premises.
- 12.3 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.





- 12.4 The licensee must ensure that customers enter and exit the licensed premises in an orderly manner ensure the safety of customers in and around the premises and ensure proper control on and around the licensed premises.

### **13 AVAILABILITY OF MEALS**

Meals, prepared on the premises, are to be available on the licensed premises at all times when liquor is sold.

### **14 TOILETS**

- 14.1. Adequate and suitable toilet facilities must be provided for the use of patrons on or near the licensed premises.
- 14.2 The toilet facilities must at all times be maintained in a neat, tidy and hygienic condition.

### **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 licence 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 unless such a person is -
- (i) of or above the age of sixteen (16) years; and
  - (ii) undergoing training in catering services; and
  - (iii) apprenticed to the licensee.
- 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.

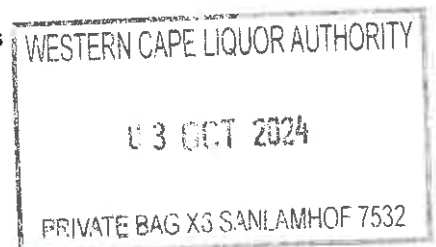
On request from the licensee, manager or person in charge of the licenced premises the designated liquor officer or liquor inspector must identify him / herself.

## **18 NOTICE REGARDING OTHER REQUIREMENTS**

The granting of this licence 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 licence 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 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**

- 21.1 If any one of the conditions of this licence 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.
- 21.2 Potable water must be available free of charge upon request at all times when liquor is sold.
- 21.3 No loud music or noise that causes a nuisance or disturbance to neighbours, residents or occupants of buildings in close proximity to the licensed premises, is allowed on the licensed premises. Only light background music is allowed on the licensed premises.

**Presiding Officer of the Liquor Licensing Tribunal**

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

**WESTERN CAPE LIQUOR AUTHORITY**

