



WESTERN CAPE
LIQUOR AUTHORITY

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REFERENCE:

WCP/044714

ENQUIRIES:

ELTON MAY

TELEPHONE

021 204 9700

ANNEXURE B

LICENCE NUMBER

: WCP/044714

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

LICENSEE

: SENSORY STRATEGIES CC

NAME OF PREMISES

: VYGIE

LOCATION OF PREMISES

**: PORTION 2, THE FARM NO 1271, ALSO KNOWN AS
VYGIE, OAKLANDS ESTATE, BOVLEI ROAD,
WELLINGTON**

THIS LICENCE IS 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

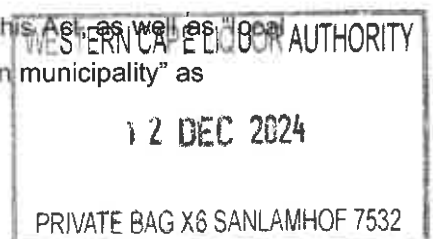
A person appointed as such in terms of section 73(4) of the Act.

Liquor means

Liquor as defined in the Act

Local Authority 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.

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

2. TRADING HOURS

Consumption of alcohol will be restricted to the hours of trade as approved 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.
- 3.5 The Licensee may only sell liquor for the purposes of off consumption in the area thus indicated on the attached plan, and for on consumption in the area thus indicated on the attached plan.

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.



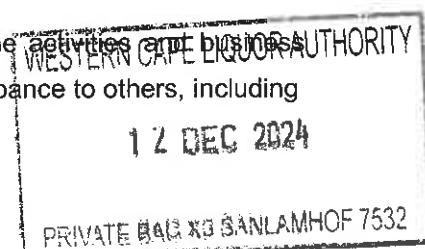
- 4.2 The person or licensee may not let the liquor licence or the premises or any part of the premises in respect whereof such licence was granted, to anyone, or allow anyone to use part of the licensed premises.
- 4.3 The licence, or financial interest in the licensee of 5% or more, may not be transferred 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 Adam-Jon Edward Williams 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.

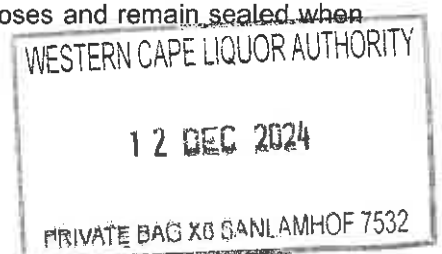
6. NATURE AND CONDUCT OF THE BUSINESS

- 6.1 The licensee may sell **all kinds of liquor**, for consumption on the licensed area, as indicated on the attached approved plan, and **craft wine, craft beer, and craft gin** for consumption off the licensed area, as indicated on the attached approved plan, subject to the conditions of this license and/or the trading days and hours as determined by the municipality within whose area the premises are located.
- 6.2 The nature of the business may not be changed from that approved by the Liquor Licensing Tribunal without the prior approval thereof being a restaurant, deli and function venue.
- 6.3 No liquor may be sold to persons who are drunk and/ or disorderly.
- 6.4 No person who is drunk and/or disorderly may be allowed to stay on the licensed premises.
- 6.5 No liquor may be purchased from a person who is not allowed and licensed to sell that liquor.
- 6.6 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.
- 6.7 No person, other than a licensee, may purchase, and a licensee may not sell to one person, in a single day 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 – 150 liters)
- 6.8 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.
- 6.9 The licensee must in the premises prominently display signs warning against the dangers of liquor abuse.
- 6.10 The licensee must, at the entrance to 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.
- 6.11 The licensee must in the licensed premises, prominently display signage stating that it is an offence to:
- drive while alcohol is still present in the blood stream;
 - 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.
- 6.12 All signage and displays exhibited on or near the liquor licensed premises must, where applicable, comply with the statutes and regulations regulating same.
- 6.13 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.
- 6.14 The sale of liquor in foil containers commonly referred to as “papsakke” is strictly prohibited.
- 6.15 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;
- 6.16 No bottling is allowed on the licensed premises.
- 6.17 Liquor may only be sold in a plastic container if –
- (i) it is new plastic
 - (ii) it complies with the PET standards and requirements;
 - (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; and
 - (v) it has a capacity of not more than 5 liters.
- 6.18 The Licensee/appointed manager shall not allow for the sale of liquor to patrons in containers which are not sealed for purposes of off consumption only. All containers with liquor must be sealed when sold for off consumption purposes and remain sealed when leaving the premises.

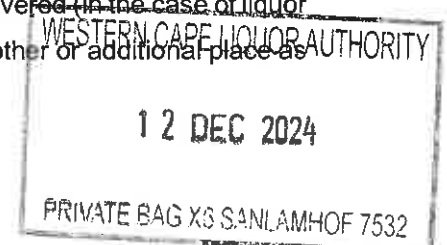




- 6.19 The area licensed for off consumption use should be clearly indicated on the premises and be capable of being sealed off to prevent the public from gaining access to it after the trading hours allowed for off consumption.
- 6.20 Liquor sold for consumption off the licensed premises, may only be opened and used for consumption on the licensed premises, as part of a meal prepared and served on the premises. No liquor sold for on consumption purposes or for off consumption purposes may be consumed at a place on the premises * other than as aforesaid.
- 6.21 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.
- 6.22 No substance of any sort may be added to liquor that is sold from the licensed premises.
- 6.23 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.
- 6.24 The sale of liquor by online platform from the licensed premises is permitted but only within the Western Cape and is restricted to the stated kinds of liquor for off-consumption.

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 licensed premises, was issued in the prescribed manner.
- 7.2 Liquor may be delivered only to the address shown on the invoice described in paragraph 7.1.
- 7.3 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.
- 7.4 Where the quantity of liquor being purchased is above the prescribed threshold, the purchaser must produce his or her identity document and proof of address, and provide contact details as prescribed.
- 7.5 Where the quantity of liquor being purchased is above the prescribed threshold, the liquor may only be delivered to and at the licensed premises.
- 7.6 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.





- 7.7 Liquor may only be delivered to a person who presents proof of identification that the person is above the age of 18 years old. The delivery of liquor to a person who does not present proof of identification that the person is above the age of 18 years is prohibited.

8. INVOICES (REGULATION 20)

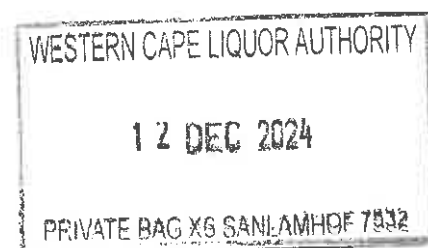
The licensee must, with regard to the delivery of liquor, in terms of regulation 20, make out an invoice that contains at least the following information –

- 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; and
 - 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
 - 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 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.
- 10.3 The licensee and or the manager or person in charge at the licensed premises **MUST** before any liquor is sold by means of online platform, ensure that the person to whom the liquor is sold, supplied and delivered to is above the age of 18 years old.

11. RESTRICTED AREA

- 11.1 Except as determined by section 56(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, no person under the age of eighteen (18) is allowed access to the licensed premises.
- 11.2 The area licensed for the sale of liquor shall be regarded as a restricted area. Access to under eighteens is therefore restricted only to the area licensed for the sale of liquor.

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 of the liquor licence.

13. SALE OF LIQUOR

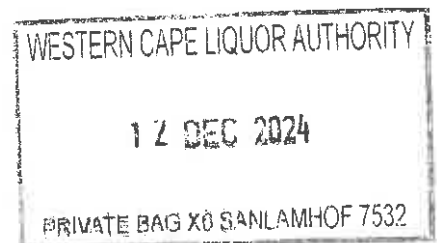
- 13.1 A licensee may not sell or supply liquor from any place other than the licensed area as indicated on the approved plan.
- 13.2 A licensee may advertise the sale of liquor and solicit and receive orders for the purchase of liquor elsewhere than on the licensed premises.
- 13.3 The advertisements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



- 13.4 Liquor may only be sold by means of online platform from the licensed premises. The sale of liquor by online platform from any place other than the licensed premises is prohibited.
- 13.5 The licensee must in respect of all liquor sold by means of online platform keep record in electronic format of the full names, surname, identity number, physical address and telephone number of the person to whom the liquor was sold and delivered to. These records must be kept for a period of three years and be readily available on the licensed premises.
- 13.6 The record referred to in section 60(1) of liquor sold for consumption off the licensed premises must -
- (a) be in a written or electronic form; and
 - (b) contain the following the:
 - (i) name and address of the licensed business;
 - (ii) licence number of the licensed business;
 - (iii) invoice numbers and dates of issue;
 - (iv) kind and quantity of the liquor sold; and
 - (v) purchase prices paid.

14 SECURITY

- 14.1 The licensee must at all times be in proper control of the licensed premises.
- 14.2 The licensee may not allow customers to bring any weapons or dangerous objects on the licensed premises.
- 14.3 The licensee must not allow a supplier of unlawful drugs to be or remain on the premises.
- 14.4 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
- 14.5 The licensee is responsible to take all reasonable steps to 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.
- 14.4 The licensee must ensure that adequate security measures are in place to ensure that any liquor that is sold by means of online platform, is only sold, supplied and delivered to persons above the age of 18 years old.





15 AVAILABILITY OF MEALS

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

16 TOILETS

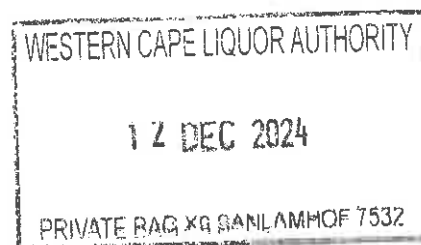
- 16.1. Adequate and suitable toilet facilities must be provided for the use of patrons on or near the licensed premises.
- 16.2. The toilet facilities must at all times be maintained in a neat, tidy and hygienic condition.

17 STORAGE

- 17.1 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.
- 17.2 A licensee may not sell, supply or allow the consumption of liquor in or from such other or additional place of storage.

18 EMPLOYMENT

- 18.1. 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.
- 18.2 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.





19 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.

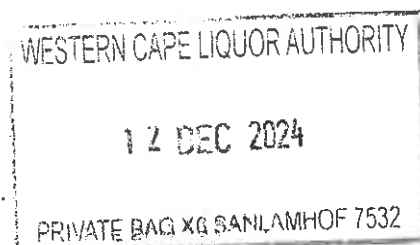
On request from the licensee, manager or person in charge of the licenced premise the designated liquor officer or liquor inspector must identify him / herself.

20 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.

21 CONTRAVENTIONS

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

22 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.

23 GENERAL

- 23.1 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.
- 23.2 Potable water must be available upon request at all times when liquor is sold.


.....
Presiding Officer of the Liquor Licensing Tribunal
(or person acting under power delegated by the Presiding Officer)
WESTERN CAPE LIQUOR AUTHORITY

