



## RE: GUIDELINES FOR SECTION 89(9) APPLICATIONS:

The Liquor Licensing Tribunal (LLT) is satisfied that the purpose of the Western Cape Liquor Act was that Drinking and Driving must be disassociated from each other. The Tribunal is therefore satisfied that exceptional circumstances should exist for permission to be granted in terms of Section 89(9).

In order to determine whether exceptional circumstances exist, the applicant has to satisfy the LLT on a balance of probabilities that exceptional circumstances exist.

The LLT requests that comments and proper representations be provided before 31 October 2013 to assist the LLT to determine whether exceptional circumstances do exist.

- 1) Applicants must ensure that the following was submitted with their original applications / or ensure that it is submitted before 31 October 2013:
  - a) a site plan;
  - b) Google map indicating the premises and service station and the distance between the licensed premises and the service station;
  - c) colour photos of the premises, service station, view of the premises from service station; and
  - d) and an approved building plan.
  
- 2) In addition to the requirements as stated in point 1 above, the LLT also request representations, for both on and off consumption licences, on the following:
  - a) whether there is direct access from the service station to the outlet;
  - b) whether there are any advertising of the outlet and/or of liquor visible from the fuel pumps at the service station;

- c) whether the point of sale for fuel/services/fuel related products and liquor are at the same place;
- d) whether the liquor outlet is situated between the service station and the place where payment is made for fuel/services/fuel related products;
- e) whether the outlet is part of a suburban or greater shopping mall, consisting of a number of shops;
- f) details of any intended alterations to the service station and/or location of the fuel pumps, including all plans relating thereto;
- g) the distance from the liquor outlet to the service station;
- h) whether the outlet is in the line of sight from the service station;
- i) indicate whether the licence holder and the owner of the service station and/or the complex is the same person. If so the nature and business, as well as the market segment or principal products sold by the owner, should be described;
- j) the accessibility of the outlet from main roads and/or whether the outlet is situated on a main road or not;
- k) the availability of other liquor outlets in the area/town;
- l) if overnight facilities are available (i.e. rooms);
- m) if the service station is focussed on a specific group, if so, indicate (i.e. farmers etc.) or is the service station used by an exclusive group only;
- n) is the outlet a convenience shop;
- o) the physical location of the liquor outlet in relation to the service station; and
- p) if the erf is used as a place where trucks and/or other drivers can overnight.

3) The following additional aspects related to an on consumption licence should also be addressed:

- a) if it is a sit down restaurant with the purpose of providing meals to travellers;
- b) what type of liquor will be sold; and
- c) if a licence is granted, would the applicant be prepared to sell only table wine and beer and to agree that no fortified wines and/or spirits will be sold by applicant and that no liquor may be sold with take away food.

Each case will be decided upon its own merits. The LLT can also take factors other than those presented to it by the applicant into consideration in determining whether exceptional circumstances do or do not exist. The aforementioned points should therefore not be deemed to be exhaustive or absolute. It should merely be regarded as a guideline and the responsibility to prove its case on a balance of probabilities remains that of the applicant.

The licence holder must, by no later than 31 October 2013, furnish the Western Cape Liquor Authority with all information needed to consider the application.

All section 89 (9) applications will be considered by the LLT between 1 November 2013 and 31 March 2014, on the information submitted by 31 October 2013. No further extension will be granted for information to be submitted.

Regards,



**THYS GILIOME**

**CEO: WESTERN CAPE LIQUOR AUTHORITY**

**DATE:** 19/7/13