

LIQUOR TALK

In the past decade, South Africa's average per person alcohol consumption has increased, making it one of the highest in the world (Cupido, 2021). Data provided by the World Health Organisation (WHO) indicate that between 2016 and 2018, the average annual alcohol consumption per adult in South Africa was 9.5 litres, surpassing the global average of 6.4 litres and the WHO Africa region's 6.3 litres. This data indicates a concerning trend as high levels of alcohol consumption contribute to various problems such as injuries, violence, and car accidents (Gibbs et al, 2021).

OUR Research

- Research shows that alcohol consumption is responsible for about 50% of all non-natural deaths in South Africa. Alcohol has been associated with 60% of car accidents, 24% of vehicle-related fatalities and injuries, and 75% of homicides. According to the South African Medical Research Council (SAMRC, 2020) the road traffic fatality rate linked to alcohol exceeds 33 cases per 100,000 population, which represents a rate nearly double the global average.

Alcohol is also responsible for high sexually transmitted infections and interpersonal violence as it reduces self-consciousness related to sexual and violent behaviour (Davids et al, 2017). Gender-based violence (GBV) is a major concern in South Africa, with between 25% and 40% of women experiencing sexual and/or physical violence in their lifetime. It is well-documented that harmful alcohol use is a contributing factor to GBV, and male binge drinking is associated with increased frequency and severity of partner abuse (SAMRC, 2020).

- Liquor outlets rank as the third most likely location for murders in South Africa. Of the 9,556 rape cases reported in the first quarter of 2022, liquor and drugs were reported as being involved in 1,383 cases (Linden, 2023). Furthermore, the figures below represent the cases reported at taverns, shebeens, pubs, bars, and night clubs between January and March 2023 (Kahla, 2023):

- Murder: 217 cases where alcohol was the motivator,
- Rape: 1 237 cases where alcohol was the motivator,
- Assault: 3 123 cases where alcohol was the motivator.

To effectively address the alcohol-related issues mentioned above, it is crucial to target the underlying causes of problem drinking. This entails addressing the accessibility of inexpensive alcohol, implementing stronger regulations, improving controls on alcohol advertising, and tightening restrictions on alcohol sales.

Enhanced alcohol policies are necessary to safeguard South Africans from the detrimental effects of the alcohol industry's products and practices (SAMRC, 2023).

Research shows that there is an increased risk of violent behaviour in liquor establishments with the following characteristics:

- ◆ Inadequate seating and toilet facilities
- ◆ Inconvenient bar access
- ◆ Poorly maintained (unclean, unattractive) premises
- ◆ Poor waste management practices and littering
- ◆ Smoky atmospheres and air pollution
- ◆ Discounted drinks
- ◆ Unavailability of food
- ◆ Permissiveness of drug use
- ◆ Swearing and sexual activity
- ◆ Large crowds and overcrowding
- ◆ Noise pollution affecting the health and well-being of clients and neighbours
- ◆ Little control of bar staff
- ◆ Irresponsible serving practices
- ◆ Not respecting the rights of others and their neighbours
- ◆ Failing to comply with Liquor Board, Development Planning, Building Control, Emergency Management Services and Environmental Health legislation

Please take note of the facts above and ensure that you sell alcohol responsibly. Someone else's life may depend on it!

Apart from the requirement of a valid liquor licence to legally sell liquor in Johannesburg, there are numerous pieces of legislation and municipal by-laws that owners must comply with to operate legally. Failure to comply can result in fines, prosecutions and/or the forced closure of the business, or the suspension or withdrawal of a liquor licence for serious and serial offenders.

Adherence to the requirements /guidelines provided below will assist existing and prospective liquor traders to operate legally in Johannesburg.

This brochure focuses specifically on regulating the liquor outlets that operate in the greater Johannesburg area

Contact a building inspector at your regional office

REGION	BUILDING INSPECTOR	ENVIRONMENTAL HEALTH MANAGER
A Midrand	083 944 3844	011 237 8002
B Northcliff	011 061 2245	011 226 8309
C Roodepoort Cosmo City	011 061 7801	011 021 6704 011 021 7171
D Diepkloof West East	011 073 9161 011 073 9161	011 021 6607 011 021 6595
E Sandton East West	083 704 4982 083 262 3341	011 582 1659 011 582 1531
F Inner City North South	011 088 5102 011 088 5103	011 021 5223 011 021 8418
G Eldorado Ennerdale		011 945 7493



TOWN PLANNING REQUIREMENTS

Liquor outlets can **ONLY** be run legally from a property if it is zoned for the type of liquor outlet being applied for

The Land Use Scheme, which establishes the zoning of a piece of land, regulates the permitted land uses on all properties in the city. City of Joburg (CoJ) now uses a single Land Use Scheme for the entire city. More specifically, the CoJ Land Use Scheme, 2018.

The aim of the zoning is to ensure the ordered, harmonious, compatible and viable development of the urban areas, while maintaining environmental standards

In some cases, the zoning permits the sale of liquor but consent for a "Place of amusement" or some other activity is still required in terms of the relevant town planning scheme. Applications for such consents are made to the Land Use Management Department of the City of Johannesburg. For further advice on the procedure to be followed, one can contact the Town Planning Help Desk

In addition, conditions prohibiting the sale of liquor appear in some deeds of sale and will require removal in terms of the Section 41 of the City of Johannesburg Municipal Planning By-laws, 2016.

Planning control officers enforce the town planning legislation.

Enforcement of the following regulations is the responsibility of planning control officers: the 2016 Municipal Planning By-law, SPLUMA, and the Outdoor Advertising By-law. This is to make sure that properties and liquor stores adhere to land use zoning regulations.

If an unauthorised use is detected during an inspection, a notice is issued giving the offender time to terminate such use.

A second inspection will verify if such unauthorised use has been remedied, failing which, legal action will be taken and the owner of the property as well as any tenant will be taken to court.

Zoning and consent information is not given over the phone. It can be obtained from the CGIS help desk.

BUILDING REGULATIONS

- ◆ All buildings must comply with the requirements of the National Building Regulations and Building Standards Act, 103 of 1977 (as amended), as well as the SABS 0400 Code of Practice for the Application of the National Building Regulations
- ◆ In essence, for any building work a building plan must be submitted and approved – Metro Link Building, Metro Centre
- ◆ In addition, before a building is occupied you need to apply for the issuing of an occupancy certificate

Contact a building inspector at your regional office (**number on front**)

ENVIRONMENTAL HEALTH REQUIREMENTS

Environmental Health enforces the following legislation at liquor traders' premises:

- Food premises requirements in terms of R638 published under the Foodstuffs, cosmetics and disinfectants Act 54 of 1972.
- All approved establishments selling or serving liquor and/or food must apply for a certificate of acceptability.
- No payment is needed. It is issued for free if premises comply with the following requirements:
- General cleanliness
- Light coloured, washable, and non-absorbent floor and wall materials
- Wash-up sinks with cold and hot water supply, as well as soap (or any other cleaning agents). This also applies to bottle stores if they rent out glasses
- Wash hand basin with cold and hot water, soap and hand drying facilities
- Toilet/ change room facilities for both males and females
- Refrigeration facilities (with temperature gauge) for the storage of all perishable foodstuffs
- Provision of protective clothing for food handlers, e.g., hairnet, apron and footwear
- Provision of approved refuse receptacles for storage of refuse pending its removal
- Artificially or mechanically ventilated in compliance with the National Building Regulation Standard Act, 103 of 1977
- Illuminated by means of artificial illumination that complies with National Building Regulation Standard Act, 103 of 1977
- Requirements may vary depending on type of premises – restaurant/bar, etc

Conditions of certificate of acceptability:

- **Not transferable from one person to another, and from one food premises to another**
- **Valid only in respect of the nature of handling set out in the application for a certificate of acceptability**

May be endorsed:

- **By addition of any future restrictions that may be necessary to prevent a health hazard**
- **By removal of any restriction with regard to the category or type of or the methods of handling**

EMERGENCY MANAGEMENT SERVICES. (EMS) REQUIREMENTS

- ◆ Must have an approved plan, stand number, address, name of the shop and number of patrons on the plan as per EMS By-laws Section 14(1). These must be mounted on door of a building.
- ◆ Fire equipment installed and serviced as per EMS By-laws Section 16(1). one 9kg per 200m².
- ◆ Comply with section 13(1) requirements of escape door. Approved locking device opens in the direction of travel. Any place accommodating more than 25 people need a second door.
- ◆ Comply with SANS 1186-5 emergency escape signages. Photoluminescent one
- ◆ Fitted with portable fire alarm.
- ◆ Where there is a kitchen, fitted with CO₂ (carbon dioxide) fire extinguisher and fire blanket.
- ◆ 48kg of LP gas is not allowed inside the shop, only one 19 kg allowed provided the place well ventilated. Those willing to keep more 19 kg should comply with section 35(1), build a cage keep it outside the building.
- ◆ None compliance with these by-laws section 98 will be issued which could result in closure of the building.

LIQUOR BOARD SHOULD NOT ISSUE ANY LICENCE UNLESS THERE IS AN APPROVED PLAN FROM EMS AND BUILDING CONTROL

Fire Protection

General Requirements

- Any building shall be so designed, constructed, and equipped that in case of fire.
- (a) The protection of occupants or users, including person with disabilities, therein is ensured and that provision is made for the safe evacuation of such occupants or users.
- (b) The spread and intensity of fire within such building and the spread of fire to any other building will be minimised.
- (c) Sufficient stability will be retained to ensure that such building will not endanger any other building: provided that in the case of any multi-storey building no major failure of the structural shall occur,
- (d) The generation and spread of smoke will be minimised or controlled to the greatest extent reasonably practicable and
- (e) Adequate means of access and equipment for detecting, fighting, controlling, and extinguishing such fire is provided.



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