




Joburg

Liquor **Talk**

Your guide to legally
sell liquor in Johannesburg

a world class African city



LIQUOR FACTS

Liquor plays a major role in violence and road accidents in South Africa!

The SAPS indicate that between **71%** and **90%** of interpersonal violence is linked to alcohol.

According to the 6th Annual Report of the National Injury Mortality Surveillance System, in South Africa in 2004:

- **54,1%** of the victims of violence-related deaths tested alcohol-positive
- **52,4%** of the victims of fatal traffic accidents tested positive for alcohol. This includes **50,9%** of driver fatalities and **59,7%** of pedestrian fatalities

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

- inadequate seating
- inconvenient bar access
- poorly maintained (unclean, unattractive) premises
- smoky atmospheres
- discounted drinks
- unavailability of food
- permissiveness of drug use
- swearing and sexual activity
- large crowds
- high volume noise levels
- little control of bar staff
- irresponsible serving practices

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

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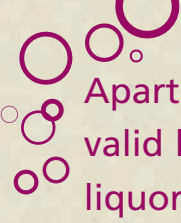
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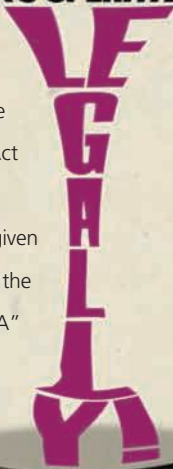
Apart from the requirement of a valid liquor licence to legally sell liquor in Johannesburg, there are numerous other pieces of legislation and municipal by-laws with which a business owner or manager must comply in order to operate legally. It is very important that existing and prospective new business people who sell or plan on selling liquor are aware of the legal requirements, as failure to comply can and will result in fines, prosecution and/or the forced closure of the business. The City can even motivate for the suspension or withdrawal of a liquor licence for serious and serial offenders.

The following document provides a guideline for some of the key issues, as well as who in the City is responsible for enforcing them.

A 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 town planning schemes, which establish the zoning of a piece of land, regulate the permitted land uses on all properties in the City. These town planning schemes are drawn up in terms of the Transvaal Town-Planning and Townships Ordinance (1986)
- The aim of the zoning is to ensure the ordered 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
- In addition, title conditions prohibiting the sale of liquor appear in some deeds of sale and will require removal in terms of the Gauteng Removal of Restrictions Act (1993, No. 3)
- Zoning and consent information is not given over the phone. It can be obtained from the CGIS help desk on the 8th floor, "A" Block, Metro Centre, Braamfontein

**THERE ARE NUMEROUS
OTHER PIECES OF
LEGISLATION AND
MUNICIPAL BY-LAWS
WITH WHICH A
BUSINESS OWNER
OR MANAGER MUST
COMPLY IN ORDER
TO OPERATE**





- Planning control officers enforce the town planning legislation
- If an unauthorised use is detected during an inspection, a notice is typically issued giving the offender a certain time period to terminate such use
- A second inspection will verify if such unauthorised use has been terminated. If not, legal action will be taken and the owner of the property as well as any tenant will be taken to court

B ENVIRONMENTAL HEALTH REQUIREMENTS

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

1. Food premises requirements in terms of the Health Act (63 of 1977) Regulation R918

- All 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
 - Changeroom facilities for both males and females
 - Wash hand basin with cold and hot water, soap and hand drying facilities
 - Toilet 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, eg 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 further 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
 - Expires temporarily for the period which prohibition under regulation 4(2) is in effect
 - Expires permanently if a prohibition referred to in regulation 4(2) is not removed within a stipulated period
 - Shall expire permanently if the provisions of sub-regulation 8 are not complied with

- Failure to comply will result in:
 - statutory action
 - law enforcement, fine or prosecution of any person in charge of premises during the time of visit (fine = R500,00)

2. Tobacco Products Control Act (83 of 1993)

- No permit required for selling cigarettes
- No smoking is allowed in public places. A designated smoking area is allowed with certain conditions:
 - separation of smoking area by means of solid partitioning (fine = R1 500,00)
 - display smoking sign in a smoking area (fine = R1 000,00)
 - display non-smoking sign in a non-smoking area (fine = R1 000,00)
- Failure to comply will result in:
 - statutory action
 - law enforcement, fine or prosecution of any person in charge of premises during the time of visit

3. Noise regulations in terms of the Environment Conservation Act (73 of 1989)

- Two types of noise are regulated:
 - nuisance noise (which cannot be measured)
 - disturbing noise (which can be measured)
- Certificate required for disturbing noise – all liquor traders (causing disturbing noise) must obtain a soundproof certificate from a recognised acoustics consultant
- Failure to be in possession of certificate, person in charge to be prosecuted (fine = R1 500,00)

4. Licences required in terms of the Business Act (71 of 1999)

- Trade licence for food preparation (fine = R500,00)
- Trade licence for entertainment (music) (fine = R500,00)
- Trade licence for entertainment, eg pool tables (fine = R500,00)

5. Foodstuffs, Cosmetics and Disinfectants Act (54 of 1972)

This act addresses the use of disinfectants, preservatives and colourants of foodstuffs, eg Sudan red colourants (fine = R500,00)

6. Public Health By-laws L.A.N. 830 of 21 May 2004

- Health hazards and nuisances, ie (fine = R1 000,00):
 - premises offensive, injurious or dangerous to health
 - foul and dirty parts of any premises
 - offensive trades
 - keeping of any animal or bird
 - accumulations of refuse or other materials offensive, injurious or dangerous to health
 - unsafe buildings
 - provision of potable water
 - offensive odours
 - overcrowding
 - pest control
 - pollution control

Contact an Environmental Health officer at your regional office (number on back)



C EMERGENCY MANAGEMENT SERVICES (EMS) REQUIREMENTS

1. Fire equipment

- Fire extinguishers should be installed in every public place
- Fire hose reels must be installed as per code of practice requirements
- Both should be serviced annually by an SABS approved service provider

2. Fire escape doors

- Must be accessible, unobstructed and have an approved locking device at all times
- Must open in the direction of travel (outwards)
- Must be clearly indicated by proper signage

3. Escape routes

- Must be clear (not obstructed) at all times
- Must be lighting of feeder and emergency routes AT LEAST 60 MINUTES from an emergency light source independent of the main supplies (TT30) – emergency lights which are connected to the main supply, but light up for at least one hour when electricity goes off (to allow evacuation), can be bought from a hardware store

4. Flammable liquids

LP Gas

- Recommended that businesses only keep one x 19 kilogram LP gas cylinder on the premises
- No 48 kilogram cylinders are permitted unless an approved plan is available

Paraffin

- Only one 210 litre drum per business premises
- Proper ventilation is required

5. Temporary structures (tents and stages)

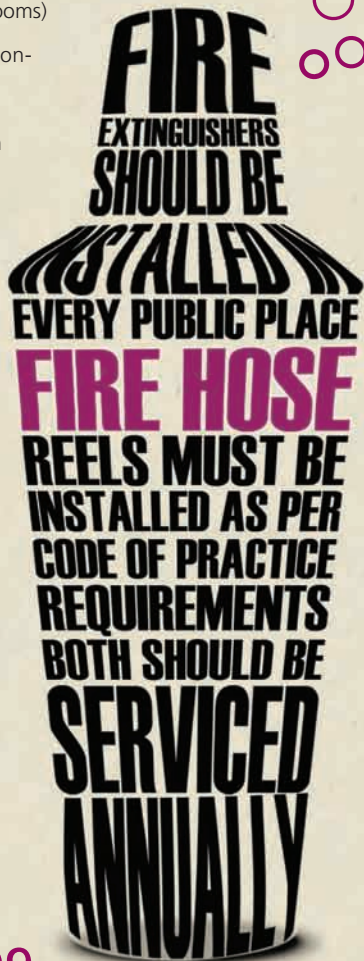
- Engineer's certificate required for every tent
- Liability insurance required for every event held

6. Ceilings

- Space between the ceiling and the roof shall be fire stopped if the area is more than 300 square metres and the distance between is 30 metres apart (TT13.3 SABS 0400) (fire stopped = construction done to stop fire from igniting an unaffected area, eg fire travelling through the roof to the adjacent rooms)
- Should be non-combustible
- Firewall should reach the underside of the roof to protect next tenant in a case of fire
- Should not be used as a storage space

7. Floor coverings

- Floor coverings such as carpets should be fire rated. A classification certificate will be provided by the seller or supplier (TT14.2)



8. Wall finishes

- Should be fire rated, eg wooden panels must be treated not to sustain fire (TT15.2)
- Only fire rated substances should be used to cover walls

** Failure to comply with any of the above can result in a fine or prosecution of any person in charge of premises during the time of visit*

For queries/compliance inspections contact:

011 407 6374/5

D 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 – Ground Floor, Metro Centre
- In addition, before a building is occupied you need to apply for the issuing of an occupancy certificate
- This legislation is enforced by the Building Control sub-directorate

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



YOUR REGIONAL OFFICES

Region A **Midrand**
011 203 3605/3300

Region B **Northcliff**
011 718 9612/3
OR 011 718 9650

Region C **Roodepoort**
011 761 0130/0111

Region D **Diepkloof**
011 985 1003

Jabulani
011 986 0178/0296/0077

Meadowlands
011 936 5292

Orlando East
011 935 8432

Orlando West
011 536 2694

Region E **Sandton**
011 881 6241

Region F **Inner City**
011 376 8600

Joburg South
011 681 8000

Region G **Eldorado Park**
011 342 1280

Ennerdale
011 213 0056



An initiative of:

City Safety
Programme