

LOCAL GOVERNMENT NOTICE
MUNICIPAL OF GREAT KEI
LIQUOR TRADING HOURS BY-LAWS

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-Laws Relating to Liquor Trading Hours which shall come into operation on the date of publication thereof.

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Schedule

1) Definitions

in these By-Laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates:-

“Act” means the Eastern Cape Liquor Act, 2003 (Act No.10 of 2003);

“Authorized official” means any person authorized by the Council to implement and enforce compliance with these By-laws;

“Board” means the Eastern Cape **Liquor** Board established by section 4 of the Liquor Act;

“Council” means the Council of the Municipality of Great Kei or any other political structure, political office bearer or official including the authorized official acting by virtue of powers delegated to it or him by the Council with regards to application and enforcement of these By-Laws;

“Community” means those residents, governing body of schools or places of worship occupying premises within a 100m radius from the premises in respect of which an application for registration and/or a licence or authorization in terms of the Act is made.

“Municipal Manager” means the Municipal Manager of the Municipality appointed in terms of Section 82 of the Local Government; Municipal Structures Act, 1998 and includes any person acting in this position;

“premises” includes any place, land, building or conveyance or any part thereof which is registered or seeking to be registered in order to permit and allow trading in liquor;

“Regulations” means the regulations made under the Act and published in Provincial Notice No.17 of 2004 of 28 May 2004 as may be amended from time to time;

“trading Hours” means the time when a liquor trading establishment shall open to the time that such establishment shall cease to trade and, in the case of onsite consumption establishments, the time when they shall cease to operate and shall close, in accordance with Schedule 1 of these By-Laws;

“ward committee” means a committee as contemplated in the Local Government: Municipal structures Act, 1998 (Act No. 117 of 1998)

2) Purpose and aims of By-Laws

The purpose and aims of these By-Laws are to:

- (a) regulate the hours during which liquor may be sold
- (b) regulate the operation hours of premises where on-site consumption of liquor takes place

3) Application of By-Laws

These By-Laws shall be applicable in respect of all premises situated within the area of jurisdiction of the Council where trading in liquor is conducted or is intended or permitted to be conducted in terms of any Town Planning Zoning Scheme of the Council or made applicable to the Council and/or consent usage granted by the Council and/or any title deed conditions applicable to such premises.

4) Trading hours

- (1) The trading hours of the different types of registration listed in the first column of Schedule 1 shall be the trading hours listed in the second column of the said Schedule.
- (2) A departure from the hours stipulated in Schedule 1 shall be permissible only upon application to and with the prior written approval by Council.
- (3) The Council itself reserves the right, by notice in the press in such languages as the Council may determine, to deviate from the stipulated trading hours in the interests of the community.

5) Report by ward committee

(1) A ward committee must, upon receipt of a notice of application for registration in terms of Section 22(2) (d)(i) of Liquor Act, consult the community with regard to such application;

(2) The ward committee must submit a report to the Council within 30 days of referral of such application to the ward committee concerned and such report must contain:

- (a) the details of the consultative process with the community;
- (b) comments on the application;
- (c) details of objections received in respect of such application, if any;
- (d) comments on such application;
- (e) a recommendation with regards to such application.

(3) The Municipal Manager shall report the application and the comments of the Ward Committee concerned to the council at its first meeting after receipt of the comments of such Committee and, thereafter, expeditiously inform the Board of the resolution of the Ward Committee and the Council on such application.

6) Enforcement

(1) The Council may appoint, authorize and mandate such official as it may deem necessary to implement and enforce these By-Laws.

(2) Each official appointed in terms of sub-section (1) shall be issued with an identity card containing a photograph of himself, the date of the Council resolution authorizing his appointment, his designation and a brief reference to his duties and obligation in terms of these By-Laws;

(3) An official, acting within the powers vested in him or her by these By-Laws must, on demand by a member of the public produce proof of identity and the capacity in which he purports to carry out his duties;

(4) An official, acting in terms of the authorization or mandate contemplated in sub-section (1) may:-

- (a) at all reasonable times, enter upon premises on which business is being or intended to be carried on; and
- (b) request any person to provide such information as he deems necessary>

(5) For purposes of these By-Laws an official appointed in terms of this Section shall be regarded as the authorized official.

7) Offences

A person commits an offence if he or she:-

- (a) hinders or interferes with an authorized official in the execution of his official duties;
- (b) falsely professes to be an authorized official;
- (c) furnishes false or misleading information when complying with a request of an

authorized official; or

(d) fails to comply with a request of an authorized official;

(e) fails, refuses or neglect to comply with the trading hours referred to in Schedule 1

8) Penalties

Any person who commits an offence in terms of these By-Laws shall be liable, upon conviction, to:-

(i) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and

(ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

(iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

SCHEDULE 1

COLUMN 1	COLUMN 2
TYPE OF REGISTRATION	TRADING HOURS
Sec. 20(a) – Registration in terms of the Liquor Act for the retail sale of liquor for consumption off the premises where the liquor is being sold. (bottle store, retail shop, wholesaler, house shop)	Monday to Saturday 08:30 to 20:00 Sunday 09:00 to 13:00
Sec. 20(b) – Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold. (Restaurant, night club, sports club, pool bar, hotel, pub)	Sunday to Thursday 10:00 to 24:00 Friday- Saturday 10:00 to 02:00
Sec. 20(c) – Registration in terms of the Liquor Act for the retail sale of liquor on and off the premises on which the liquor is being sold. (Taverns, shebeens	<u>Off-Consumption</u> Monday to Saturday 08:30 to 20:00 Sunday 09:00 to 13:00 <u>On-Consumption</u> Sunday to Saturday 10:00 to 24:00
Sec. 20(d) – Registration in term of the Liquor Act for the retail sale of liquor and consumption at special events. (beer festival, fete, fundraising event)	Trading hours to be determined by resolution of the Council in respect of each application
Sec. 20(e) - Registration in terms of the Liquor Act for licensed micro-manufacturing.	Monday to Saturday 08:00 to 17:00 Sunday 09:00 to 13:00