



NELSON MANDELA BAY DRAFT POLICY

Draft Review of Liquor Outlet Policy

Working Draft 2.0 for Public Participation

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EXECUTIVE SUMMARY

THE DRAFT LIQUOR OUTLET POLICY

The Nelson Mandela Bay Metropolitan Municipality's Liquor Outlet Policy is a framework for the management of liquor establishments within the metropolitan area. The *Policy* seeks to address and alleviate the challenges associated with the establishment and operation of *liquor outlets* and to provide effective measures to regulate *liquor outlets*. This Policy is a review of the Nelson Mandela Bay Metropolitan Municipality's Liquor Outlet Policy, published and adopted in 2005. The aim of the review of the Liquor Outlet Policy is to ensure that licensed liquor premises have a positive impact on their locality and that problems arising in the operation of *liquor outlets* in the communities are addressed swiftly and appropriately.

It is therefore imperative that the following Policy challenges and gaps are addressed:

- i) The current NMBMM Liquor Outlet Policy prohibits the selling of liquor from a subsidised RDP/BNG/Metro house for a period of eight years from the date of occupation. The Liquor Outlet Policy requirements were in conflict with the Local Economic Development objectives identified in the *Municipality's* Integrated Development Plan;
- ii) No owner is permitted to sell liquor from residential premises if the residential living area is less than 50 m². Complying with this Policy requirement is almost impossible, as the vast majority of residential dwellings in *township* areas measure between 40 m² and 50 m²;
- iii) The Policy further restricts the total business floor area to a maximum of 35% of the building on residential premises. This needs to be addressed in order to realistically/practically deal with development parameters, especially in previously disadvantaged areas;
- iv) There is a proliferation of off-site consumption liquor facilities in residential areas across the Metropolitan area, which appears to have less negative impact than fully-fledged *taverns*. The local *community* refer to these informally as "*Koop-'n-Loop Liquor Outlets*". The current Liquor Outlet Policy does not make provision for these establishments on *residential premises*, rendering many of them illegal. This type of liquor outlet will require the Council to clearly define it and introduce appropriate land use management tools to accommodate the usage; and
- v) The Policy revision will therefore propose land use management guidelines to respond effectively to the latter shortcomings and Policy gaps. These guidelines will be informed by amendments to the existing town planning zoning scheme regulations applicable throughout the metropolitan area; this will ensure uniformity and a merit-based approach to the assessment of all *liquor establishments*.

The following type of liquor establishment land uses will be considered by the Municipality as contemplated in the Policy:

- a) Home-enterprise liquor establishments ("*Koop-'n-Loop Liquor Outlets*");

- b) Taverns;
- c) Places of entertainment (including bars and pub and grubs);
- d) Licenced restaurants and;
- e) Bottle-stores.

KEY AMENDMENTS

Home-Enterprise Liquor Establishments

The following key amendments to be noted:

- 1. No house shop will be permitted on a property that has a *liquor outlet* granted on the premises;
- 2. No *Home-Enterprise Liquor Establishment* may be located within a threshold or distance/radius of 500 m of other licensed establishments within a residential area;
- 3. No licensed *Home-Enterprise Liquor Establishment* may be authorised or established where its proximity to *community* uses or public facilities, such as schools, places of worship, old age homes, crèches, hospitals, clinics and libraries, is likely to have a negative impact on the facility or is within a distance of 500 m/radius from such a facility;

Tavern establishments

The following key amendments to be noted:

- 1. The total floor area used for *Tavern* activities on *residential premises* will be as follows:
 - a. residential erven between 500 m² and less: the total area to be used for the *tavern* establishment on the property, including storage and ancillary activities, will not exceed 50% of the total floor area of the dwelling(s) on the property;
 - b. residential erven between 501 m² to 1000 m²: the total area to be used for the *tavern* establishment on the property, including storage and ancillary activities, will not exceed 35% of the total floor area of the dwelling(s) on the property;
 - c. residential erven of 1001 m² or greater: the total area to be used for the *tavern* establishment on the property, including storage and ancillary activities, will not exceed 20% of the total floor area of the dwelling(s) on the property;
- 2. No *Tavern* establishment may be located within a threshold or distance/radius of 500 m of other licensed establishments within a residential area;

3. No licensed *Tavern* may be authorized or established where its proximity to *community* uses or public facilities, such as schools, places of worship, old age homes, crèches, hospitals, clinics or libraries, or within a distance of 500 m/radius from such a facility is, in the opinion of the Municipality, likely to have a negative impact on the facility; and
4. Parking will be provided at a ratio of 1 parking bay per 30 m² *tavern* floor area and must be accompanied by a parking management plan.

Nelson Mandela Bay Liquor Committee

1. The Liquor Committee must investigate complaints relevant to *liquor outlets* to ensure legislative compliance. The Liquor Committee can also write to the Liquor Board on behalf of Council to object to applications or submit complaints in respect of infringements;
2. A Liquor Committee must be established to assist and advise *Ward Committees*, Ward Councillors and the Nelson Mandela Bay communities in respect of applications received in terms of Section 22(2)(d)(i) of the Liquor Act;

Please Note: In an event where the provision(s) of this policy is/are in conflict with any amendments of the Eastern Cape Liquor Act, 2003, the policy shall be amended thereof to comply with the Act amendments.

USHWANKATHELO LWESIGQEBA

ISISHWANKATHELO SEQUMRHU LOLAWULO SOMCEBO WOKUQALA SOMGAQO WOKUTHENGISA UTYWALA

Ubume bomgaqo wokuthengiswa kotywala kaMasipala ombaxa weNelson Mandela sisikhokelo sokulawula iindawo ezithengisa utywala kwingingqi yeMetro. Lo mgaqo unqwenela ukujongana, unciphise iingxaki ezinxulumene nokumiswa nokusebenza kweendawo ezithengisa utywala, nokunikezela ngeendlela ezisebenzayo zokuhlengahlengisa ukuthengiswa kotywala. Lo mgaqo yindlela yokuqwalasela ngokutsha umgaqo wokuthengiswa kotywala weNMBM owapapashwa wamkelwa ngo-2005. Injongo yoku kuphinda uqwalaselwe lo mgaqo kukuqinisekisa ukuba loo makhaya aneziqinisekiso zokuthengisa utywala anempembelelo elungileyo kubantu nasekuhlaleni kwaye neengxaki ezivelayo kwinkqubo yokuthengiswa kotywala ekuhlaleni ziqwalaselwa ngokukhawuleza nangokuchanekileyo.

Ngoko ke kubalulekile ukuba ezi ngxaki zalo mgaqo nezikhewu zihoywe:

- i) Lo mgaqo wokuthengiswa kotywala awukuvumeli ukuthengiswa kotywala kumaziko afumana uncedomali lweRDP/BNG/Metro ixesha elingangeminyaka esibhozo ukususela kumhla wokungena kuloo ndlu. limfuno zomgaqo wokuthengiswa kotywala zazingqubana neenjongo

zokuphuhlisa ezoqoqosho ekuhlaleni njengokuba kuqaphelekile kuCebo loPhuhliso ngokudibeneyo lukaMasipala.

- ii) Akukho mninindlu uvumelekileyo ukuba athengise utywala kumasango omzi wakhe ukuba ikhaya elo lingaphantsi kwama-50m². Ukulandela le miqathango kuphantse kube nzima kakhulu, njengokuba uninzi lwezindlu zabahlali kwimimandla yabahlali iphakathi kwama-40m² nama-50m².
- iii) Umgaqo wanciphisa ngakumbi umhlaba wokuthengisa ukuya kuma-35% esakhiwo eso kwizindlu zokuhlala. Le nto ke iya kufuna ukuhoywa ukuze ijongwe ukuphuhliswa komyinge womhlaba ngokunyanisekileyo, ngakumbi kulo mimandla ibikade ihlelelekile.
- iv) Kukho ukwanda okuthe kratya kokuselelwa ngaphandle kwezo ndawo zithengisayo kwezoo ndawo zabahlali kuyo yonke iMetro le, loo nto ke ibonakalisa ukungabi nafuthe labubi kumaziko asele ephuhlile entselo. Xa bethetha ngezi ndawo ke abahlali bazo bathi ngo "Theng'uhambe". Lo mgaqo mtsha wokuthengisa utywala awubalungiselelanga abo banjalo kuloo makhaya athengisayo, loo nto yenze ukuba bonke babebasebenza ngaphandle komthetho. Indawo elolu hlobo ethengisa utywala iya kufuna ukuba iKhansile iyichaze ngokuthe gca, ize iveze izixhobo ezichanekileyo zolawulo lomhlaba ukubonelela ukusetyenziswa kwawo; kwaye
- v) Ukuhlaziywa kwalo mgaqo kuya kucela izikhokhelo zolawulo ukuphendula ngokucacileyo kwezi mpazamo zalo mgaqo nezikhewu. Ezi zikhokhelo ziya kuxelwa ngezilungiso kwezi zikhoyo iingcebo zokwahlula imithetho esebenza kuwo wonke lo mmandla weMetro, le nto ke iya kuqinisekisa ukufana nokushiyana ngokwamandla kuvavanyo lweendawo zentselo.

Ezi ndawo zentselo ngokomhlaba ziya kuqwalaselwa nguMasipala ngokubonelelwa kulo mgaqo:

- a) Amakhaya angawokushishina ngotywala (ooTheng'uhambe)
- b) Abathengi abaphuhlileyo
- c) Iindawo zokujuxuza (kuhlangene iinkanti)
- d) Iiresty ezinesiqinisekiso sokuthengisa utywala
- e) Amashishini anesiqinisekiso sokuthengisa utywala

IZILUNGISO EZIPHAMBILI

Amakhaya ashishina ngotywala

Makuqwalaselwe ezi zilungiso zilandelayo:

1. Akukho ndlu iyivenkile iya kuvunyelwa esakhiweni esithengisa utywala kwalapha emzini.

2. Akukho makhaya ashishina ngotywala aya kwabelwa umhlaba ongumgama wama-500m ukusuka kwenye enesiqinisekiso soshishino kwalapha kummandla ohlala abantu.
3. Akukho makhaya ashishina ngotywala aya kuba namagunya okanye siqinisekiso sokushishina akufuphi kwiindawo zoluntu ezifana nezikolo, iinkonzo, ezigcina abantu abadala, ezigcina abantwana, izibhedlele, iiklinikhi, namathala eencwadi inganempembelelo engentle kulo maziko oluntu, ukuba zikumgama ongama-500m ukusuka kuloo maziko.

Amaziko aselephuhlile entselo

Makuqwalaselwe ezi zilungiso zilandelayo:

1. Umhlaba uwonke wokusetyenziselwa imicimbi yeziko elithengisa utywala kwindawo ekwalikhaya iya kuba ngolu hlobo:
 - a. Indawo yokuhlala ephakathi kwama-500m ukuya kwi1000m: umhlaba omawusetyenziselwe intengiso apha endlwini, idibene neyokugcina utywala nezinye iintshukumo ayiyi kudlula kuma-50% yomhlaba uwonke walo ndlu kwelo khaya.
 - b. Kwikhaya eliqala kuma-501m² ukuya kwi-1000m² umhlaba omawusetyenziselwe intengiso kule ndlu, kudibene nokugcina utywala nezinye iintshukumo zolu shishino awuyi kudlula ku-35% yomhlaba ophantsi walo ndlu.
 - c. Ukuba umhlaba ophantsi wale ndlu uli-100m² ukunyuka: umhlaba omawusetyenziselwe intengiso yotywala apha esakhiweni kudibene ukugcina nezinye iintshukumo awuyi kudlula kuma-20% aloo ndlu okanye alo mhlaba.
2. Akukho ziko lentselo emalaxhiwe phakathi komgama ongama-500m phakathi kwezinye izakhiwo zentselo kwakule ndawo inye.
3. Akukho ziko lentselo eliya kunikwa amagunya okanye eliya kuvunyelwa lime apho umhlaba phakathi kwalo neendawo ezinceda uluntu, njengezikolo, iinkonzo, amakhaya okugcina abantu abadala, ezigcina abantwana, izibhedlele, iiklinikhi namathala eencwadi okanye phakathi komgama ongama-500m ukusuka kulo ndawo yoluntu, ngokucinga kukaMasipala inako ukuba negalelo elingelihle kuloo ndawo yoluntu,
4. Nendawo yokumisa iimoto iya kubonelelwa ngomlinganiselo wokuba kwindawo enye yokumisa kumhlaba ongama-30m² kumhlaba waphantsi weziko lentselo, mawukhatshwe ke ngomcebo womhlaba wokumisa.

Isigqeba esijongene notywala saseNelson Mandela Bay

1. Isigqeba esijongene notywala masiphande ngezikhazelo ezingindlela yokuthengiswa kotywala ukuqinisekisa ukugcinwa komthetho obekiweyo. Esi sigqeba sotywala singabhalela kwiBhodi yotywala emele iqumrhu ukukhaba izicelo okanye ukwamkela izikhazelo apho kuthe kwakho ukubhidana khona.

2. Isigqeba sotywala masakhiwe ukunceda nokucebisa izigqeba zeewodi. Ooceba beewodi nekomiti yabahlali beNMB badibanela izicelo ezifikileyo ngokubhekiselele kwiCandelo 22(2)(d)(i) soMthetho woTywala.

Nceda Qaphela: Ukuba nangayiphi na indlela unikezelo lwalo mgaqo luyangqubana nazo naziphi na izilungiso zomthetho wotywala weMpuma Kapa ka-2003, umgaqo uya kulungiswa uthobeke ezo zilungiso.

UITVOERENDE OPSOMMING

KONSEPBELEID INSAKE DRANKAFSETPUNTE

Die Nelson Mandelabaai Metropolitaanse Munisipaliteit se Beleid insake Drankafsetpunte is 'n raamwerk vir die bestuur van drankondernemings in die metropolitaanse gebied. Die *Beleid* poog om die uitdagings wat met die daarstelling en bedryf van *drankafsetpunte* gepaard gaan, die hoof te bied en te verminder en om doeltreffende maatreëls in te stel om *drankafsetpunte* te reguleer. Dié Beleid is 'n hersiening van die Nelson Mandelabaai Metropolitaanse Munisipaliteit se Beleid insake Drankafsetpunte, wat in 2005 gepubliseer en aanvaar is. Die oogmerk van die hersiening van die Beleid insake Drankafsetpunte is om te verseker dat gelisensieerde drankpersele 'n positiewe impak op hul omgewing het en dat probleme wat met die bedryf van *drankafsetpunte* in die gemeenskappe ontstaan, vinnig en toepaslik opgelos word.

Dit is dus noodsaaklik dat die volgende uitdagings en gapings in die Beleid reggestel word:

- i) Die huidige NMBMM Beleid insake Drankafsetpunte verbied die verkoop van drank vanuit 'n gesubsidieerde HOP-/‘Breaking New Ground-/Metro-huis vir 'n tydperk van agt jaar vanaf die okkupasiedatum. Die vereistes van die Beleid insake Drankafsetpunte was teenstrydig met die doelwitte van Plaaslike Ekonomiese Ontwikkeling wat in die *Munisipaliteit* se Geïntegreerde Ontwikkelingsplan geïdentifiseer is;
- ii) Geen eienaar word toegelaat om drank te verkoop vanaf 'n woonperseel as die woonleefarea minder as 50 m² is nie. Voldoening aan dié beleidsvereiste is byna onmoontlik, aangesien die oorgrote meerderheid residensiële wonings in dorpsgebiede (*townships*) tussen 40 m² en 50 m² groot is;
- iii) Die Beleid beperk verder die totale besigheidsvloeroppervlakte tot hoogstens 35% van die gebou op woonpersele. Dit moet reggestel word om ontwikkelingsparameters realisties/prakties te hanteer, veral in voorheen benadeelde gebiede;
- iv) Daar is 'n vermenigvuldiging van buiteperseelverbruik-drankfasiliteite in woongebiede regoor die Metropolitaanse gebied, wat blyk 'n minder negatiewe uitwerking as volwaardige *tavernes* te hê. Die plaaslike *gemeenskap* verwys informeel na hulle as “*Koop-'n-Loop-Drankafsetpunte*.” Aangesien die huidige Beleid insake Drankafsetpunte nie vir dié ondernemings op *residensiële persele* voorsiening maak nie, maak dit baie van hulle onwettig. Dié tipe

drankafsetpunt vereis dat die Raad dit duidelik omskryf en toepaslike grondgebruikbestuursinstrumente instel om die gebruik te akkommodeer; en

- v) Die beleidshersiening sal dus grondgebruikbestuursriglyne voorlê wat laasgenoemde tekortkominge en gapings in die Beleid doeltreffend regstel. Dié riglyne sal gegrond word op wysigings van die bestaande regulasies van die stadsbeplanningsoneringskemas wat regoor die metropolitaanse gebied van toepassing is; dit sal eenvormigheid en 'n merietegegronde benadering vir die evaluering van alle *drankondernemings* verseker.

Die volgende tipe drankonderneming-grondgebruike sal deur *Munisipaliteit* oorweeg word, soos in die *Beleid* beoog word:

- a. *Tuisnywerheid-drankondernemings* ("Koop-'n-Loop-Drankafsetpunte");
- b. *Tavernes*;
- c. *Vermaaklikheidsplekke* (insluitend *kroeë* en *croeg-en-kos-ondernemings*);
- d. Gelisensieerde *restaurante*; en
- e. *Drankwinkels*.

SLEUTELWYSIGINGS

Tuisnywerheid-drankondernemings

Daar moet op die volgende sleutelwysigings gelet word:

1. Geen huiswinkel sal toegelaat word op 'n eiendom waarvoor 'n *drankafsetpunt* op die perseel toegestaan is nie;
2. Geen *Tuisnywerheid-drankonderneming* mag binne 'n drumpel of afstand/radius van 500 m van ander gelisensieerde ondernemings in 'n woongebied geleë wees nie;
3. Geen gelisensieerde *Tuisnywerheid-drankonderneming* mag gemagtig of daargestel word nie indien die nabyheid daarvan aan *gemeenskapsgebruike* of openbare fasiliteite, soos skole, plekke van aanbidding, tehuse vir bejaardes, *crèches*, hospitale, klinieke en biblioteke, na die mening van die *Munisipaliteit* waarskynlik 'n negatiewe impak op die fasiliteit sal hê of binne 'n afstand/radius van 500 m van sodanige fasiliteit is.

Taverne-ondernemings

Daar moet op die volgende sleutelwysigings gelet word:

1. Die totale vloeroppervlakte wat vir *taverne*-bedrywighede op *woonpersele* gebruik word, sal soos volg wees:
 - a. Woonerwe tussen 500 m² en minder; die totale oppervlakte wat vir die *taverne*-onderneming op die eiendom gebruik word, insluitend berging

- en gepaardgaande werksaamhede, mag nie 50% van die totale vloeroppervlakte van die woning(s) op die eiendom oorskry nie;
- b. Woonerwe tussen 501 m² tot 1000 m²; die totale oppervlakte wat vir die *taverne*-onderneming op die eiendom gebruik word, insluitend berging en gepaardgaande werksaamhede, mag nie 35% van die totale vloeroppervlakte van die woning(s) op die eiendom oorskry nie;
 - c. Woonerwe groter as 1000 m²; die totale oppervlakte wat vir die *taverne*-onderneming op die eiendom gebruik word, insluitend berging en gepaardgaande werksaamhede, mag nie 20% van die totale vloeroppervlakte van die woning(s) op die eiendom oorskry nie;
2. Geen *Taverne*-onderneming mag binne 'n drumpel of afstand/radius van 500m van ander gelisensieerde ondernemings in 'n woongebied geleë wees nie;
 3. Geen gelisensieerde *taverne* mag gemagtig of daargestel word nie indien die nabyheid daarvan aan *gemeenskapsgebruike* of openbare fasiliteite, soos skole, plekke van aanbidding, tehuise vir bejaardes, crèches, hospitale, klinieke en biblioteke, of binne 'n afstand/radius van 500 m van sodanige fasiliteit is, na die mening van die *Munisipaliteit* 'n negatiewe impak op die fasiliteit sal hê; en
 4. Parkering moet verskaf word teen 'n verhouding van een (1) parkeervak per 30 m² *taverne*vloeroppervlakte en moet van 'n parkeerbestuursplan vergesel wees.

NELSON MANDELABAAI DRANKKOMITEE

1. Die Drankkomitee moet klagtes in verband met *drankafsetpunte* ondersoek om wetlike voldoening te verseker. Die Drankkomitee kan ook namens die Raad aan die Drankraad skryf om beswaar teen aansoeke aan te teken of om klagtes oor oortredings in te dien;
2. 'n Drankkomitee moet gestig word om *Wykskomitees*, Wyksraadslede en die gemeenskappe van Nelson Mandelabaai te help en te adviseer ten opsigte van aansoeke wat ingevolge Artikel 22 (2) (d) (i) van die Drankwet ontvang word.

Let wel: Indien die bepaling(s) van dié Beleid strydig met enige wysigings van die Oos-Kaapse Drankwet, 2003, is, moet dié Beleid gewysig word sodat dit aan die wysigings van die Wet voldoen.



LIQUOR OUTLET POLICY (WD2.0)

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TABLE OF CONTENTS

LIST OF TABLES.....	ii
ACRONYMS	ii
1. DEFINITIONS	1
2. PURPOSE	6
3. PRINCIPLES	8
4. POLICY OBJECTIVES	9
5. SCOPE AND APPLICATION	10
6. LEGAL FRAMEWORK GOVERNING POLICY.....	11
6.1 National Policy Instruments	11
6.2 Provincial Policy Instruments.....	12
6.3 Nelson Mandela Bay Municipality By-laws, Policies and Strategies	14
6.3.1 Municipal By-laws	14
6.4 Policy Directives and Plans	14
6.5 Acts that Directly Affect Liquor Establishments	15
6.5.1 Liquor License	15
6.5.2 Land Use Permission (Rezoning, Special Consents, Departures)	15
6.5.3 Business Licences	17
6.5.4 Building Regulations	18
7. ASSESSMENT FRAMEWORK.....	18
7.1 Land Use Management and Spatial Planning.....	18
7.2 Guiding Measures for Assessing Liquor Outlets/Establishments	23
7.2.1 Home-Enterprise Liquor Establishments	23
7.2.2 Tavern establishments	25
7.2.3 Restaurants and Places of Entertainment/Amusement	28
7.2.4 Bottle-store Establishments.....	30
8. SELLING/TRADING HOURS.....	31
9. NELSON MANDELA BAY LIQUOR COMMITTEE.....	33
10. AREAS OF RESPONSIBILITY OF INTERNAL AND EXTERNAL STAKEHOLDERS	35
11. PUBLIC PARTICIPATION AND CONSULTATION PROCESS.....	36
12. HEALTH AND HYGIENE OF LIQUOR OUTLETS.....	38
13. LAW ENFORCEMENT AND NON-COMPLIANCE	38
14. NON-CONFORMING AND ILLEGAL <i>LIQUOR ESTABLISHMENTS</i>	39
15. APPLICATION DETAILS REQUIRED FOR SUBMISSION	39
16. COMMENCEMENT AND IMPLEMENTATION	41
16.1 Transitional Arrangements	41
16.2 Commencement Date.....	41

16.3 Existing Policy Rescinded	41
16.4 Policy Review	41

LIST OF TABLES

TABLE 1: Internal and External Stakeholders

TABLE 2: Type of Applications

TABLE 3: Draft Integrated Zoning Scheme

TABLE 4: Schedule 1, Liquor Selling Hours

TABLE 5: Application details for submission

ACRONYMS

BNG	–	Breaking New Ground Strategy
COO	–	Chief Operating Officer
DOT	–	Department of Transport
ECLB	–	Eastern Cape Liquor Board
EDTA	–	Economic Development, Tourism and Agriculture
GDP	–	Gross Domestic Product
IAP	–	Interested and Affected Parties
IKKM		Ibhayi KwaDwesi KwaMagxaki Motherwell
LSDF	–	Local Spatial Development Framework
NMBMM	–	Nelson Mandela Bay Metropolitan Municipality
RDP	–	Reconstruction and Development Programme
SAPS	–	South African Police Services
SPLUMA	–	Spatial Planning Land Use Management Act, Act No.16 of 2013

1. DEFINITIONS

In the Policy, unless the context indicates otherwise,

"**Bar**" means any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of liquor and includes any counter or barrier across which drink is or can be served to the public (*Previous Liquor Outlet Policy: Draft 21 November 2005*);

"**Bottle-store**" means a shop in which alcoholic beverages are sold in the retail trade and that functions as an off-sales facility only; it does not include a home-enterprise offsite establishment, *bar, tavern, pub and grub, place of entertainment or night club (Partly Section 8 Scheme and amendments to be included in the Integrated Zoning Scheme)*;

"**Council**" means the municipal council of the Nelson Mandela Bay Metropolitan Municipality established in terms of Part 2 of Schedule 1 of Notice 85 in the Eastern Cape Provincial Gazette No. 654 on 27 September 2000, promulgated in terms of Section 12(1) of the Local Government: Municipal Structures Act No. 117 of 1998, for the Municipal area described in such Notice; (provided by Sheona Claasen on Policy and Research Directorate)

"**Councillor**" means a member of the *Council (Local Government Municipal Systems Act, 2000)*;

"**Consent use**" means an additional use right permitted in terms of the applicable Zoning Scheme Regulations in a particular zone with the need to obtain consent of Council prior to implementation; (refer to the NMBM Draft Guesthouse Policy and Draft Outdoor Dining Policy)

"**Community**" means the residents, governing bodies of schools or Places of Worship within a 500 m radius of the premises in respect of which the

application for registration is made (*Previous Liquor Outlet Policy: Draft 21 November 2005*);

“Departure” means an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned, or to utilise land on a temporary basis for a purpose for which no provision has been made in the said regulations in respect of a particular zone; (refer to the Land Use Planning Ordinance 1985 (15 of 1985) section 15)

“Home-enterprise liquor establishment/Off site-consumption liquor outlet” (informally known as ‘koop ’n loop’) means an enterprise conducted from a *residential premises* or outbuilding by the registered owner or legal lessee of the property concerned, for the limited sale of liquor beverages for off-site consumption only. The dominant use of the residential dwelling will remain the accommodation of a single family, and a minor portion of the dwelling may be designated for storage purposes. No other ancillary uses, such as the serving of meals, gaming machines, pool tables, watching television, playing of loud music, may be permitted (*new definition based on the NMBM Draft Integrated Zoning Scheme*)

“Hotel” means premises wherein or whereon the business of supplying lodging and meals for reward is or is intended to be conducted and includes a motel, inn and lodge (*Previous Liquor Outlet Policy: Draft 21 November 2005*);

“Land use management system” means the system of regulating and managing land use and conferring land use rights through the use of zoning schemes and land development procedures (*SPLUMA*);

“Liquor Authority” means the Eastern Cape Liquor Board, established in terms of Section 4 of the Eastern Cape Liquor Act of 2003;

“Liquor Outlet or Establishment” means any place, land, building or conveyance or any part thereof that is registered or seeking to be registered

to permit trade in liquor (*Previous Liquor Outlet Policy: Draft 21 November 2005*);

“Liquor Sales Threshold” means a distance or radius of 100 m from other licensed establishments within a residential area or township (*New proposed definition to be included in the NMBM Draft Integrated Zoning Scheme*);

“Municipality” means the Nelson Mandela Bay Metropolitan Municipality - a Category A Municipality established in terms of Part 2 of Schedule 1 of Notice 85 in the Eastern Cape Provincial Gazette No. 654 on 27 September 2000, promulgated in terms of Section 12(1) of the Local Government: Municipal Structures Act 117 of 1998, for the municipal area described in that notice;

“Night club” means a *place of entertainment* usually operating at night and may include the playing of live or recorded music, a dance floor, performance stage and *bar* with its associated uses (*refer Previous Liquor Outlet Policy: Draft 21 November 2005*);

“NMBM Draft Integrated Zoning Scheme” means the Zoning Scheme that will replace the current Zoning Schemes applicable to or promulgated for : Port Elizabeth, Uitenhage, Despatch, Area A, Lovemore Park, Rural Area, Ibhayi, KwaMagxaki, KwaDwesi, Motherwell, KwaNobuhle and Khayamnandi;

"Notice" means a written method, including by electronic means, by which a person communicates a matter dealt with in the Policy to interested and affected parties;

“Place of entertainment / amusement” means land or a building used as a multi-purpose facility for the purpose of sport, recreation and entertainment, and includes a *bar, pub and grub*, dance hall, billiard/pool room, theatre, sports stadium, private club, place of assembly, amusement

park, cinema, public hall, skating rink, gaming machines but excludes adult entertainment. (*refer to NMBM Draft Integrated Zoning Scheme*);

“Policy” refers to the Liquor Outlet Policy of the Nelson Mandela Bay Metropolitan Municipality (v2);

“Pub and grub” means a place where liquor is sold for consumption, including a sports *bar* or pool-bar. It may include the serving of snacks or light meals incidental thereto (*refer to Previous Liquor Outlet Policy: Draft 21 November 2005*);

“Residential premises” means premises zoned to permit residential purposes in accordance with the applicable Zoning Scheme Regulations. (*refer to Previous Liquor Outlet Policy: Draft 21 November 2005*);

“Restaurant” means a business where meals and beverages are sold for onsite or offsite consumption, but excludes as drive-thru restaurant. Alcoholic beverages can only be sold and consumed subject to the requirements of the Liquor Act and Council’s Liquor Outlet By-Law/Policy as amended from time to time, and subject to Council’s consent; (*refer to the NMBM Draft Integrated Zoning Scheme*)

“Selling hours” - Means the time at which a trader must cease to sell liquor to any person in terms of Schedule 1 of the Liquor Selling Hours By-law of the Nelson Mandela Bay Municipality;

“Special consent” means the consent of the Council, or of any Committee or official of the Council to whom the power to grant such consent is delegated; (*refer to the NMBM Draft Student Accommodation Policy, 2015*)

“Special use” means any use other than one of the uses defined in the applicable zoning scheme regulations; (*refer to the NMBM Draft Student Accommodation Policy, 2015*)

"Tavern" Means a building on land zoned for residential purposes where liquor is primarily sold for on-site consumption and the following activities may be incidental to the tavern use: serving of meals, including a shisa nyama or braai meat, watching television, background music and the provision of six or less games/gaming machines. In addition, the establishment of a tavern should be secondary to the residential use, should not create a disturbance, should not affect the character of the surrounding area and should have the written support of the neighbouring property owners (*refer to NMBM Draft Integrated Zoning Scheme*);

"Township" Means an area of land divided into erven, and may include public places and roads indicated as such on a general plan (*refer to the Spatial Planning Land Use Management Act (SPLUMA)*);

"Trader" means a person who is registered in terms of Section 19 of the Act, and any other words or expression to which a meaning has been assigned in the Act and Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (*refer to the Previous Liquor Outlet Policy: Draft 21, November 2005*);

"Ward committee" Means a committee as established and contemplated in the Local Government: Municipal Structures Act 117 of 1998;

"Zone" Means a defined category of land use shown on the zoning map of a land use scheme (*refer to Spatial Planning Land Use Management Act (SPLUMA)*).

"Zoning scheme" means a scheme consisting of scheme regulations and a register, with or without a zoning map, as referred to by the applicable land use planning legislation; (*refer to the NMBM Draft Student Accommodation Policy*)

2. PURPOSE

The Nelson Mandela Bay Metropolitan Municipality's Liquor Outlet Policy is a framework for the management of liquor establishments within the metropolitan area. The *Policy* seeks to address and alleviate the challenges associated with the establishment and operation of *liquor outlets* and to provide effective measures to regulate *liquor outlets* in respect of noise control, safety and security, operating hours, economic development, institutional processes and procedures relating to the granting of liquor licences, business licenses and land use planning rights.

This Policy is a review of the Nelson Mandela Bay Metropolitan Municipality's Liquor Outlet Policy, published and adopted in 2005. Various improvements have been effected to align the policy principles with the Municipality's strategic objectives and to maintain uniformity of administrative and institutional processes under the jurisdiction of the Municipality. This Policy outlines the procedures for managing the establishment of *liquor outlets* and reaching a balance between socio-economic factors, legal enforcement/compliance with all legislative requirements, and stakeholder education.

The aim of the Liquor Outlet Policy is to ensure that licensed liquor premises have a positive impact on their locality and that problems arising in the operation of *liquor outlets* in the communities are addressed swiftly and appropriately. The *Policy* further aims to encourage and support well-run, responsible licensed premises that meet the diverse needs of the *Municipality* and contribute to making and keeping liveable an enjoyable neighbourhoods and *townships* in which people want to live, work and relax. In doing this, the reputation of Nelson Mandela Bay as a top Eastern Cape destination with safe, vibrant and varied licensed liquor facilities will be promoted.

The South African liquor industry is a major player in the South African economy, providing employment and income to a significant number of

households and making a substantial contribution to government tax revenue. Whilst endeavouring to regulate and control *liquor outlets*, it is also imperative to recognise the role that such uses play or can play in the local economy. In many cases, the livelihoods of families depend on these establishments. It can be also argued that they promote entrepreneurship for new entrants into the industry, create jobs and generate economic spin-offs within the sector and hospitality sector. This Policy recognises the critical and massive contribution of the liquor industry to the country's Gross Domestic Product (GDP) and the role it plays at local level in providing income to thousands of households.

Since the adoption of the NMBMM Liquor Outlet Policy in 2005, the Policy has not been reviewed or amended to ensure that it responds to new dynamics and new statutory requirements. Over recent years, a number of problems have been reported to the Council and the SAPS in respect of these liquor establishments, concerning issues such as amplified noise levels, lack of on-site parking facilities, safety of patrons and residents, hours of trading, building contraventions, proliferation of illegal *liquor outlets*, building regulations, health and hygiene of *liquor outlets*, and the anti-social behaviour of patrons inside and outside the establishments.

Notwithstanding these broad shortcomings identified by the existing Policy framework, various technical gaps that require urgent intervention to ensure that the NMBMM Liquor Outlet Policy adequately meets the strategies, principles and objectives of the policy framework have been identified. It is therefore imperative that the following Policy challenges and gaps are addressed:

- i) The current NMBMM Liquor Outlet Policy prohibits the selling of liquor from a subsidised RDP/BNG/Metro house for a period of eight years from the date of occupation. The Liquor Outlet Policy requirements were in conflict with the Local Economic Development objectives identified in the *Municipality's* Integrated Development Plan;

- ii) No owner is permitted to sell liquor from residential premises if the residential living area is less than 50 m². Complying with this Policy requirement is almost impossible, as the vast majority of residential dwellings in *township* areas measure between 40 m² and 50 m²;
- iii) The Policy further restricts the total business floor area to a maximum of 35% of the building on residential premises. This needs to be addressed in order to realistically/practically deal with development parameters, especially in previously disadvantaged areas;
- iv) There is a proliferation of off-site consumption liquor facilities in residential areas across the Metropolitan area, which appears to have less negative impact than fully-fledged *taverns*. The local *community* refer to these informally as “*Koop-'n-Loop Liquor Outlets*”. The current Liquor Outlet Policy does not make provision for these establishments on *residential premises*, rendering many of them illegal. This type of liquor outlet will require the Council to clearly define it and introduce appropriate land use management tools to accommodate the usage; and
- v) The Policy revision will therefore propose land use management guidelines to respond effectively to the latter shortcomings and Policy gaps. These guidelines will be informed by amendments to the existing town planning zoning scheme regulations applicable throughout the metropolitan area; this will ensure uniformity and a merit-based approach to the assessment of all *liquor establishments*.

3. PRINCIPLES

3.1 The *Policy* is based on the following underlying principles:

- a) Access to a liquor license is not a right and must be accompanied by duties and responsibilities that limit the negative social impact of the sale of liquor.

- b) *Liquor establishments* must be promoted in locations that are sustainable and desirable.
- c) Procedures must be provided that are designed to minimise the negative financial, socio-economic or environmental impacts of *liquor establishments* under the jurisdiction of the *Municipality*;
- d) The entry and empowerment of new entrants in the liquor industry must be facilitated, thereby stimulating economic growth for local economies, promoting entrepreneurship and creating economic opportunities.

4. POLICY OBJECTIVES

- 4.1 The primary objective of the *Policy* is to create a uniform, consistent and reliable approach to the assessment and granting of land use rights in respect of liquor establishments.
- 4.2 In order to balance the range of different interests and challenges of liquor establishments and the *community* and society at large, the *Policy* seeks to achieve the following objectives:
 - a) to provide adequate provisions/parameters licensed properties and facilities to ensure that all *community* members have access to safe and enjoyable *liquor establishment* facilities;
 - b) to provide clear municipal operational procedures to manage all *liquor outlets* in accordance with the requirements of the Eastern Cape Liquor Act of 2003 and in compliance with the provisions of other mandatory legislation;
 - c) to ensure proper supervision and operation where alcohol use is permitted and sold;
 - d) to promote a uniform and coordinated approach to the assessment and licensing of *liquor establishments*;

- e) to foster inter-governmental and stakeholder relations between governmental and non-governmental institutions that regulate the liquor industry, including the Eastern Cape Liquor Board and *liquor establishment* owners, liquor *traders* associations, beverage manufactures and other interested and affected stakeholders;
- f) to promote and support the responsible use of alcohol as part of a social function in the municipal jurisdiction area and to respect the decision of those individuals who choose not to consume alcohol;
- g) to allow for *community* involvement in determining the assessment process; and
- h) to ensure that adequate public consultation with affected stakeholders is undertaken and that affected communities are thoroughly engaged prior to the granting of land use rights for *liquor establishments*. This process must be dealt with in accordance with Section 22(2)(d)(i) of the Eastern Cape Liquor Act and Section 26(5)(a-b) and (6) of the Spatial Planning and Land Use Management Act of 2013.

4.3 The Policy objectives underpin each of the individual policies set out in this Policy Statement and are at the heart of the *Municipality's* decision-making process, which advocates for a merit-based approach to the assessment of all *liquor establishments*.

5. SCOPE AND APPLICATION

5.1 The *Policy* will apply to all *liquor establishments* within the jurisdiction of the *Municipality*.

5.2 Deviation from the Policy will be permitted solely where express permission has been granted by the *Municipality*.

6. LEGAL FRAMEWORK GOVERNING POLICY

The Policy is governed and guided by the following national, provincial and local policy instruments and strategic documents:

6.1 National Policy Instruments

- a) Section 152 of Chapter 7 of the Constitution of the Republic of South Africa, Schedule 5 Part B and Schedule 4 Part B.
- b) Liquor Act No. 53 of 2003, which sets out to: "regulate the distribution, selling and consumption of liquor and to regulate and protect the distribution and retail trading rights of holders of licences and certificates issued in terms of these regulations to distributors and operators".
- c) National Building Regulations and Building Standards Act 103 of 1977, as amended, which sets out to: "provide for the promotion of uniformity in the law relating to the erection of buildings in the areas of jurisdiction of local authorities; for the prescribing of building standards; and for matters connected therewith."
- d) Business Licence Act No. 71 of 1991, which sets out to: "repeal or amend certain laws regarding the licensing and carrying on of business, and shop hours; to make certain new provision regarding such licensing and carrying on of businesses; and to provide for matters connected therewith."
- e) Spatial Planning and Land Use Management Act of 2013 (Act 16 of 2013), which sets out to:

"provide a framework for spatial planning and land use management in the Republic; to specify the relationship between spatial planning and the land use management system and other kinds of planning; to provide for the inclusive, developmental, equitable and efficient spatial planning at the different spheres of government; to provide a framework for the monitoring, coordination and review of the spatial planning

and land use management system; to provide a framework for policies, principles, norms and standards for spatial development planning and land use management; to address past spatial and regulatory imbalances; to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications; to provide for the establishment, functions and operations of Municipal Planning Tribunal; to provide for the facilitation and enforcement of land use and development measures; and to provide for matters connected therewith.”

- f) Black Communities Development Act 4 of 1984, which sets out to:
“provide for the purposeful development of Black communities outside the national states; to amend and consolidate certain laws that apply with reference to such communities; and to provide for matters connected therewith. This Act has been repealed, except for Chapters VI and VIA.”
- g) Health Act 61 of 2003, which sets out to:
“provide a framework for a structured uniform healthy system within the Republic, taking into account the obligation imposed by the Constitution and other laws on the national, provincial and local governments with regard to health services.”
- h) Tobacco Products Control Act No. 12 of 1999 and, as amended, the Tobacco Products Control Amendment Act 63 of 2008, which sets out to:
“provide for the enforcement of national regulations; to prohibit the tax-free and duty free sale of tobacco products; to provide measures to prevent illicit trade in tobacco products; and to increase the penalties.”

6.2 Provincial Policy Instruments

- a) Eastern Cape Liquor Act No. 10 of 2003:

The Eastern Cape Liquor Act provides for the registration of the retail sale of liquor in the Province of the Eastern Cape. It seeks to encourage and support the liquor industry and to manage and reduce the socio-economic and other costs of excessive alcohol consumption by creating an environment in which -

- (i) *“The entry of new participants into the liquor industry is facilitated;*
- (ii) *Appropriate steps are taken against those selling liquor outside administrative and regulatory framework established in terms of this Act (Eastern Cape Liquor Act);*
- (iii) *Those involved in the liquor industry may attain and maintain adequate standards of service delivery;*
- (iv) *Community considerations on the registration of retail premises are taken into account; and*
- (v) *The particular realities confronting the liquor industry in the province can be addressed.”*

b) Land Use Planning Ordinance 15 of 1989:

“The general purpose of the Ordinance is to control and regulate land and development. Municipalities are also empowered to approve applications for development in terms of various sections of the Ordinance and its supporting regulations. In terms of Section 36 of the Ordinance, the legal basis of assessing such applications is the desirability of a proposed development or the lack of such desirability as well as its likely impact on community health and safety and conservation of the natural and built environment. The desirability of a proposed development can further be defined to include

- *Its degree of acceptability on a subject land unit;*
- *Compliance with relevant adopted structure plans/spatial framework plan, policies and guidelines;*
- *Its effect on existing rights (excluding any alleged right to protection against trade competition).”*

When approving such applications, Section 42 enables Council to impose any relevant conditions of approval. Section 39 further places an obligation on local authorities to enforce compliance with the provisions of the Ordinance and any applicable condition of approval. This Policy will support Council's statutory land use management function in terms of this Ordinance by providing guidelines for the assessment of development proposals relating to *liquor establishments* and for imposing conditions when such proposals are approved by Council.

6.3 Nelson Mandela Bay Municipality By-laws, Policies and Strategies

6.3.1 Municipal By-laws

In terms of Section 11 of the Local Government: Municipal Systems Act 32 of 2000, a municipality has executive and legislative authority to pass by-laws and take decisions on any matter within its powers. The following by-laws have been enacted and found application in this Policy:

- a) Nelson Mandela Bay, Outdoor Signs (Advertising and other) By-Law;
- b) Nelson Mandela Bay, Liquor Selling Hours By-law;
- c) Nelson Mandela Bay, Municipal Health By-Law;
- d) Nelson Mandela Bay, Noise Pollution By-Law/ Noise Control By-law;
- e) Nelson Mandela Bay, Fire and Safety; and
- f) Nelson Mandela Bay, Roads, Traffic and Safety.

6.4 Policy Directives and Plans

6.4.1 The *Policy* is informed by the following documents that provide strategic direction to the *Municipality*:

- a) Policy Development Framework of the *Municipality* (2009);
- b) Nelson Mandela Bay Integrated Development Plan, 12th edition, 2011-2016;

- c) Nelson Mandela Bay Sustainable Communities Planning Guide, 2007;
- d) Provincial Growth and Development Strategy; and
- e) Draft Eastern Cape Liquor Policy.

The revision will ensure that administrative actions with respect to land use planning applications are lawful, reasonable and procedurally fair.

6.5 Acts that Directly Affect Liquor Establishments

6.5.1 Liquor License

These applications are considered in terms of the Eastern Cape Liquor Act (Act No.10 of 2003) and granted by the Liquor Board.

6.5.2 Land Use Permission (Rezoning, Special Consents, Departures)

These applications are considered as per the Zoning Scheme applicable for a particular area in terms of the Land Use Planning Ordinance 15 of 1985 or the Spatial Planning and Land Use Management Act of 2013 (Act 16 of 2013) once the regulations have come into effect.

6.5.2.1 Current Zoning Schemes

The existing zoning schemes include:

- a. Area A Scheme;
- b. Despatch Scheme;
- c. Ibhayi Scheme;
- d. KhaYamnandi Scheme;
- e. KwaDwesi Scheme;
- f. KwaMagxaki Scheme;
- g. KwaNobuhle Scheme;
- h. Lovemore Park;
- i. Motherwell;

- j. Port Elizabeth Zoning Scheme;
- k. Section 8 Scheme;
- l. Uitenhage Scheme.

The IKKM Scheme is an integration of the Ibhayi, KwaDwesi, KwaMagxaki, KwaNobuhle and Motherwell Schemes. Nelson Mandela Bay is in the process of integrating the zoning schemes to enable an Integrated Zoning Scheme. For the purposes of the Policy at hand, the existing schemes will be utilised and may require amendments so as to allow for the implementation of the Policy in the relevant scheme.

6.5.2.2 NMBM Draft Integrated Zoning Scheme

With the amalgamation of rural areas, Uitenhage, Despatch and Port Elizabeth in 2000, the Nelson Mandela Bay Metropolitan Municipality inherited twelve different sets of zoning schemes. These zoning schemes are currently administered and implemented by the *Municipality*; in some cases, delegation vests with the Department of Housing, Local Government and Traditional Affairs. These zoning schemes, some dating back to 1961, were prepared and promulgated in terms of various sets of legislation, i.e. the Land Use Planning Ordinance and the regulations promulgated in terms of the Black Communities Development Act. In many respects, these existing zoning schemes are inappropriate and outdated and therefore do not respond to current and identified future land development and conservation needs. As a result, the existing schemes are often either not aligned with, supportive of or applicable to the various legislative requirements, strategic policies, the Integrated Development Plan, Spatial Development Framework and Structure Plans administered in the Greater Nelson Mandela Bay Metropolitan area. The objectives of the new Integrated Zoning Scheme for the Metro are as follows:

- a) To facilitate and guide development in a pro-active manner;
- b) To integrate the existing fragmented Land Use Management System;

- c) To promote public participation, capacitation and the protection of public and private interests;
- d) To ensure and promote the protection of the natural and built environment;
- e) To provide for delegation and decentralisation of power;
- f) To promote the principles of efficiency, integration and sustainability;
- g) To draft a user friendly, simplified and implementable Zoning Scheme;
- h) To formulate measures for implementation, enforcement and management.

The Policy takes cognisance of the Nelson Mandela Bay Metropolitan Municipality's Draft Integrated Zoning Scheme, which will repeal and replace the current 12 Zoning Schemes. This Policy has been crafted to align with the current Zoning Schemes and with the NMBM Draft Integrated Zoning Scheme, which will come into effect once the Council has adopted it as a Land Use Management System for the *Municipality*.

6.5.3 Business Licences

These applications are considered in terms of the Business Licence Act (Act 71 of 1991), as may be amended, and administered by the Public Health Directorate.

Users require a Business Licence only if their on-site activities include the sale or supply of perishable foodstuffs and/or the keeping of six (6) or more gaming machines/pool or billiard tables, or if they are operating a *place of entertainment*, nightclub or other premises as contemplated in the Business Licence Act of 1991.

6.5.4 Building Regulations

In terms of this Policy, all liquor establishments will be required to meet the requirements of the National Building Regulations & Building Standards Act, 1997 (Act 103 of 1977) as may be amended. The Building Standards Act makes provision for the promotion of informality in the law relating to the erection of buildings under the jurisdiction of local authorities. It also prescribes the building standards. An approved building plan must clearly show that adequate measures have been taken to mitigate the following potential negative impacts: visual impact, impact on built form, impact on the privacy of surrounding properties, noise, parking and loading, storage and disposal of garbage/waste, ablution facilities, and any matter at the discretion of the *Municipality*.

7. ASSESSMENT FRAMEWORK

The Policy advocates for a merit-based approach to the assessment of all liquor establishments and outlets. Any new liquor establishments as per provisions of this Policy must satisfy all the legal requirements in terms of health and hygiene, fire safety and security, building standards, land use management and spatial planning. The following categories of assessment tools and controls will be applicable, as contemplated and guided by various pieces of mandatory legislation.

7.1 Land Use Management and Spatial Planning

7.1.1 All liquor establishments will operate within the provisions of the applicable Zoning Scheme Regulations and the NMBMM Draft Integrated Zoning Scheme for the premises on which they are situated.

7.1.2 In all cases, establishments for the on-site consumption of liquor and off-site consumption of liquor will be required to apply to the Nelson

Mandela Bay Metropolitan Municipality to obtain land-use rights and/or zoning rights.

7.1.3 All liquor establishments in terms of this assessment category will require additional and/or amendment of land use rights in the following manner, such as:

- a) Rezoning;
- b) Temporary Departure;
- c) Council's Special Consent Use and;
- d) Amendment of conditions of approval.

7.1.4 The assessment tools and measures listed above will be guided and informed by the development principles and norms and standards of the Spatial Planning and Land Use Management Act No. 16 of 2013.

7.1.5 The following type of liquor establishment land uses will be considered by the *Municipality* as contemplated in the *Policy*:

- a) *Home-enterprise liquor establishments*;
- b) *Taverns*;
- c) *Places of entertainment* (including *bars* and *pub and grubs*);
- d) Licenced *restaurants* and;
- e) *Bottle-stores*.

7.1.6 In line with the current Zoning Scheme Regulations, **Table 1** provides guidelines on how liquor establishments/outlets will be processed in terms of the current arrangement.

7.1.7 **Table 2** provides the legal mechanism to align the Liquor Outlet Policy with the Draft Integrated Zoning Scheme.

7.1.8 In addition to the current Zoning Scheme Regulations and Draft Integrated Zoning Scheme, the Policy will provide guidelines and criteria for the assessment and approval process.

TABLE 1: TYPE OF APPLICATIONS

ZONING SCHEME	HOME ENTERPRISE LIQUOR ESTABLISHMENT		TAVERN		PLACE OF ENTERTAINMENT/ AMUSEMENT		LICENSED RESTAURANT / RESTAURANT		BOTTLE-STORE	
	ZONING	APPLICATION	ZONING	APPLICATION	ZONING	APPLICATION	ZONING	APPLICATION	ZONING	APPLICATION
PORT ELIZABETH	Residential 1	Special Consent - Special Use	Residential 1	Special Consent - Special Use	Business 1	Special Consent	Business 1	Special Consent	Business 1	Special Consent
					Business 2	Special Consent	Business 2	Special Consent	Business 2	Special Consent
	Residential 3	Special Consent - Special Use	Residential 3	Special Consent - Special Use	Residential 3	Special Consent				
	Residential 4	Special Consent	Residential 4	Special Consent	Residential 4	Special Consent	Residential 4	Special Consent	Residential 4	Special Consent
UITENHAGE	Single Residential	Departure	Single Residential	Special Consent - Special Building	Business	N/A	Business	N/A	Business	N/A
	Informal Single Residential	Departure	Informal Single Residential	Special Consent - Special Building	Suburban Business	Special Consent	Suburban Business	N/A	Suburban Business	N/A
DESPATCH	Residential 1	Departure	Residential 1	Departure	Business 1	Consent	Business 1 and 2	N/A	Business 1	Consent
	Residential 6	Consent	Residential 6	Consent			Business 2	N/A	Business 2	N/A
SECTION 8	Residential 1	Departure	Residential 1	Departure	Business 1, 3 and 4	Consent	Business 1 and 2	N/A	Business 1	Consent
IKKM	Residential 1, 2 and 3	Consent	Residential 1, 2 and 3	Consent	Residential 2 and 3	Consent	Residential 2 and 3	Consent	Residential 2 and 3	Consent
			Business	Consent	Business	N/A	Business	N/A	Business	N/A
KWANOBUHLE	Residential 1, 2 and 3	Consent	Residential 1, 2 and 3	Consent	Residential 2 and 3	Consent	Residential 2 and 3	Consent	Residential 2 and 3	Consent
KHAYAMNANDI	Residential 1, 2 and 3	Consent	Residential 1, 2 and 3, Business	Consent	Business	N/A	Business	N/A	Business	N/A
SCHEME A	Rural residential	Departure	Rural residential	Departure			Rural residential	Consent		

	Residential 1	Departure	Residential 1	Departure	Business	Departure	Business	N/A	Business	N/A
					Business 2	Departure	Business 2	Consent	Business 2	N/A
LOVEMORE PARK	Rural residential	Departure	Rural residential	Departure			Rural residential	Consent		
					Business	Departure	Business	N/A	Business	N/A
							Undetermined	Consent		

TABLE 2: INTEGRATED ZONING SCHEME (DRAFT)

INTEGRATED ZONING SCHEME (DRAFT)											
KEY: P = Primary Use under Business Use (permitted without Council's Special Consent) P1 = Primary Use under Limited Business Use (permitted without Council's Special Consent) C = Secondary Use (permitted as Council's Special Consent) C1 = Secondary Use as part of the Liquor Outlet Definition C2 = Secondary Use as part of the <i>Place of Entertainment</i> Definition C3 = Secondary Use as part of the Tourist Facility Definition	Residential 1	Residential 2	Residential 3	Residential 4	Business 1	Business 2	Business 3	Industrial 2	Agricultural	Resort Zone	
	▪ <i>Home-enterprise liquor establishment</i>	C	C	C						C	
	▪ Taverns	C			C1	C1					
	▪ <i>Places of entertainment (including bars and pub and grubs)</i>					C1	C2		C2	C2 and C3	C3
	▪ Licensed <i>restaurants</i>			C	C	P	C	C		C	
	▪ <i>Bottle-stores</i>					P	P1				

7.2 Guiding Measures for Assessing Liquor Outlets/Establishments

The Council may approve or refuse an application submitted in terms of the *Policy*, and may impose conditions on any approval. All land use applications for liquor establishments will conform to the provisions provided below for land use management assessment and approval.

7.2.1 Home-Enterprise Liquor Establishments

The following key assessment criteria will apply:

- a) No house shop will be permitted on a property that has a *liquor outlet* granted on the premises;
- b) No *Home-Enterprise Liquor Establishment* may be located within a threshold or distance/radius of 500 m of other licensed establishments within a residential area;
- c) No licensed *Home-Enterprise Liquor Establishment* may be authorised or established where its proximity to *community* uses or public facilities, such as schools, places of worship, old age homes, crèches, hospitals, clinics and libraries, is likely to have a negative impact on the facility or is within a distance of 500 m/radius from such a facility;
- d) the dominant use of *Home-enterprise Liquor Establishments* will purely remain residential and the premises must be occupied by the proprietor or manager of the establishment;
- e) A *Home-enterprise Liquor Establishment* will comply with Section 20 (a) of the Eastern Cape Liquor Act of 2003, which relates to the sale of liquor for off-site consumption;

- f) Permission to operate a *Home-enterprise Liquor Establishment* is granted to a particular owner operator, operating from a particular property - this will not be transferable;
- g) a *Home-enterprise Liquor Establishment* will be permissible only in residential areas, subject to the approval of the *Municipality* and the granting of a liquor license by the Eastern Cape Liquor Board;
- h) the applicant must take adequate measures, to the satisfaction of the *Municipality*, to mitigate the following potential negative impacts: visual impact, impact of built form, impact on privacy of surrounding properties, and noise and nuisance on the surrounding amenity;
- i) the applicant must make adequate provision, to the satisfaction of the *Municipality*, for the following: parking and loading: storage and disposal of garbage and cleaning measures for the surrounding areas;
- j) provision must be made for all goods connected with the *Home-enterprise Liquor Establishment* to be stored inside a building or screened from the neighbours and the street;
- k) selling of liquor from an informal structure or temporary structure will not be permitted;
- l) the rates rebate for residential erven is forfeited upon approval of a *Home-enterprise Liquor Establishment* application;
- m) *Trading/Selling hours* will be restricted as per Council's approved Liquor Selling Hours By-Law;
- n) any outdoor advertising signs must be for approval in terms of the Outdoor Advertising By-law of the *Municipality*;

- o) the *Municipality* reserves the right to terminate the liquor establishment use without compensation after suitable notice in the event of non-compliance with conditions laid down by *Council*; and
- p) At least one parking bay other than that serving the primary dwelling unit will be provided on the site to exclusively cater for the *Home-enterprise Liquor Establishment*.

7.2.2 Tavern establishments

The following key assessment criteria will apply to *Taverns*:

7.2.2.1 The total floor area used for *Tavern* activities on *residential premises* will be as follows:

- a) residential erven between 500 m² and less: the total area to be used for the *tavern* establishment on the property, including storage and ancillary activities, will not exceed 50% of the total floor area of the dwelling(s) on the property;
- b) residential erven between 501 m² to 1000 m²: the total area to be used for the *tavern* establishment on the property, including storage and ancillary activities, will not exceed 35% of the total floor area of the dwelling(s) on the property;
- c) residential erven of 1001 m² or greater: the total area to be used for the *tavern* establishment on the property, including storage and ancillary activities, will not exceed 20% of the total floor area of the dwelling(s) on the property;

7.2.2.2 No *Tavern* establishment may be located within a threshold or distance/radius of 500 m of other licensed establishments within a residential area;

7.2.2.3 *Taverns* will be encouraged to be located along existing and proposed activity corridors, as indicated in the applicable Local Spatial Development Framework Plans of the *Municipality* as well as

on land already designated for business purposes. These areas are usually highly accessible to the general public and are areas where intense land uses should be established;

7.2.2.4 The location of *Taverns* within a midblock of a street in residential areas is discouraged, while their location on corner properties and consolidated residential erven to maximise space is encouraged and promoted;

7.2.2.5 No licensed *Tavern* may be authorised or established where its proximity to *community* uses or public facilities, such as schools, places of worship, old age homes, crèches, hospitals, clinics or libraries, or within a distance of 100 m/radius from such a facility is, in the opinion of the Municipality, likely to have a negative impact on the facility;

7.2.2.6 The dominant use of a *Tavern* will purely remain residential and must be occupied by the proprietor or manager of the establishment;

Taverns must comply with Section 20(c) of the Eastern Cape Liquor Act of 2003, which relates to the sale of liquor for off-site consumption;

7.2.2.7 Permission to operate a *tavern* is granted to a particular owner operator operating from a particular property and will not be transferable;

Tavern establishments will be permissible in residential areas, subject to the approval of the *Municipality* and the granting of a liquor license by the Eastern Cape Liquor Board;

7.2.2.8 The applicant must take adequate measures, to the satisfaction of the *Municipality*, to mitigate the following potential negative impacts:

visual impact, impact of built form, impact on privacy of surrounding properties, noise and nuisance;

- 7.2.2.9 The applicant must make adequate provision, to the satisfaction of the *Municipality*, for the following: storage and disposal of garbage, ablution facilities, and cleaning of surrounding areas;

Parking will be provided at a ratio of 1 parking bay per 30 m² *tavern* floor area and must be accompanied by a parking management plan, as provided in Clause 7.2.2.10 below;

- 7.2.2.10 The applicant will be required to furnish the Executive Director: Human Settlements and Executive Director: Infrastructure and Engineering with a parking management plan; should he/she wish to utilise parts of the road reserve for parking purposes, such a plan must accompany the application for land use rights;

- 7.2.2.11 It is the responsibility of the land owner to ensure that patrons fully comply with the parking management plan as approved by the Council;

- 7.2.2.12 The rates rebate for residential erven is forfeited on approval of the *Tavern* application;

- 7.2.2.13 Selling of liquor from an informal structure or temporary structure will not be permitted;

- 7.2.2.14 The playing of amplified music is to be restricted to the inside of the building only;

- 7.2.2.15 The operator may not cause or permit the playing of music that is audible outside the building to the extent that it causes any type of common law nuisance;

- 7.2.2.16 The music levels will be to the standards and the satisfaction of the Executive Director: Public Health, as per the provisions of the Environment Conservation Act (Act 73 of 1989) and Noise Control Bylaw;
- 7.2.2.17 A tamper proof noise limiter must be installed and/or a noise impact assessment must be undertaken; and noise attention measures must be introduced, if and when required, to the satisfaction of the Council and at the operator/owner's own cost;
- 7.2.2.18 *Trading/Selling hours* will be restricted as per Council's approved Liquor Selling Hours By-Law;
- 7.2.2.19 Any outdoor advertising signs being submitted to the Executive Director: Human Settlements for approval in terms of the outdoor advertising By-law;
- 7.2.2.20 No *tavern* establishment and activities will be permitted to encroach onto the abutting erf or property and road reserves; and
- 7.2.2.21 No house shop will be permitted on a property that has a liquor outlet granted on the premises.

7.2. 3 Restaurants and Places of Entertainment/Amusement

- 7.2.3.1 The following key assessment criteria will apply to *Restaurants* and *Places of Entertainment/Amusement*:
- a) Places of Entertainment/Amusement (including bars and pub and grubs) and licensed *restaurants* should be encouraged along existing and proposed activity corridors, as indicated in the applicable Local Spatial Development Framework Plans of the Municipality, as well as on land already designated or zoned for business purposes. These areas are usually highly accessible to

the general public and are areas in which intensive land uses should be established;

- b) A *Place of Entertainment/Amusement* (including *bars and pub and grubs*) and Licensed *Restaurants* and *Bars* will be permissible only in business designated areas or erven, as supported by the applicable Local Spatial Development Framework Plans, subject to the approval of the *Municipality* and the granting of a liquor license by the Eastern Cape Liquor Board;
- c) The applicant must take adequate measures, to the satisfaction of the *Municipality*, to mitigate the following potential negative impacts: visual impact, impact of built form, impact on privacy of surrounding properties, noise and nuisance;
- d) The Applicant must make adequate provision, to the satisfaction of the *Municipality*, for the following: storage and disposal of garbage, ablution facilities, and cleaning of surrounding areas;
- e) Parking will be provided at a ratio of 6 parking bays per 100 m² or as per Town Planning Scheme provisions or Department of Transport standards, including a designated loading bay facility;
- f) The playing of amplified music is to be restricted to the inside of the building only;
- g) The operator may not cause or permit the playing of music that is audible outside the building to the extent that it causes any type of common law nuisance;
- h) The music levels must be to the standards and the satisfaction of the Executive Director: Public Health, as per the provisions of

the Environment Conservation Act (Act 73 of 1989) and the NMBM Noise Control Bylaw;

- i) A tamper proof noise limiter must be installed and/or a noise impact assessment undertaken; and noise attention measures must be introduced, if and when required, to the satisfaction of the Council and at the operator/owner's own cost;
- j) *Trading/Selling hours* will be restricted as per Council's approved Liquor Selling Hours By-Law;
- k) No *pub and grub*, licensed *restaurant* and *bar* activities will be permitted to encroach onto the abutting erf or property and road reserves;
- l) Any outdoor advertising signs must be submitted to the Executive Director: Human Settlements for approval in terms of the Outdoor Advertising By-law; and
- m) *Pub and grubs*, licensed *restaurants* and *bars* must comply with Section 20(b) of the Eastern Cape Liquor Act of 2003, which relates to the sale of liquor for on-site consumption.

7.2.4 Bottle-store Establishments

The following key assessment criteria will apply to *Bottle-stores*:

- a) *The location of Bottle-store* outlets along existing and proposed activity corridors, as indicated in the applicable Local Spatial Development Framework Plans of the *Municipality* as well as on land already designated or zoned for business purposes, must be encouraged. These areas are usually highly accessible to the general public and are areas in which intensive land uses should be established;

- b) *Bottle-stores* will be permissible only in business designated areas or erven, as supported by the applicable Local Spatial Development Framework Plans, subject to the approval by the *Municipality* and the granting of a liquor license by the Eastern Cape Liquor Board;
- c) Parking will be provided at a ratio of 6 parking bays per 100 m² or as per Town Planning Scheme provisions or Department of Transport standards, including a designated loading bay facility;
- d) *Bottle-stores* must comply with Section 20(a) of the Eastern Cape Liquor Act of 2003, which relates to the sale of liquor only;
- e) *Trading/Selling hours* will be restricted as per Council's approved Liquor Selling Hours By-Law;
- f) Any outdoor advertising signs must be submitted to the Executive Director: Human Settlements for approval in terms of the outdoor advertising By-law; and
- g) *Liquor establishments* must adhere to the normal provisions of the town planning schemes in respect of development parameters.

8. SELLING/TRADING HOURS

8.1 All *liquor establishments* will operate within limited operating times in order to mitigate the impact on the residential character of the area in which they are located. Trading hours in the residential areas and business areas will be in accordance with Schedule 1 of the Liquor Selling Hours Bylaw.

TABLE 3: SCHEDULE 1 – LIQUOR SELLING HOURS	
Type of registration	Selling Hours
"Section 20 (a) - Registration in terms of the Liquor Act for the retail	<i>Monday to Saturday:</i>

sale of liquor for consumption off the premises from where the liquor is being sold (<i>Bottle-stores</i> , retail shops, wholesalers)."	09h00 to 20h00 Sunday: 09h00 to 15h30
"Section 20 (b) - Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where the liquor is sold (restaurants, sports clubs, pool bars, pubs). <i>Night clubs</i> <i>Hotels and Casino's.</i> "	Sunday to Sunday: 10h00 to 02h00 18h00 to 02h00 24 hours
"Section 20 (c) - Registration in terms of the Liquor Act for the retail sale of liquor for on and off the premises where the liquor is being sold (<i>Taverns</i> and <i>Shebeens</i>)."	On and off consumption Sunday to Thursday: 10h00 to 22h00 Friday to Saturday: 10h00 to 02h00
"Section 20 (d) - Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events (beer festivals, fundraising events, etc)."	<i>Selling hours</i> to be determined by the Council.
"Section 20 (e) - Registration in terms of the Liquor Act for licensed micro-manufacturing."	Monday to Saturday: 09h00 to 17h00 Sunday: 09h00 to 13h00

Source: NMBM Liquor Selling Hours Bylaw

8.2 Section 42 (b) of the Liquor Act No. 10 of 2003 states: "A person registered to sell Liquor may-

- a) despite any other law, sell liquor on any day of the week; and
- b) sell liquor only during the hours determined by the municipality in whose area of jurisdiction the premises are situated."

8.3 The Council will exempt retail outlets from closing the entire premises upon closing their *liquor outlets* if sale of liquor is not their primary business. Currently permissions for Special Events are granted by both

the Executive Director: Public Health as well as Executive Director: Corporate Services. The determining of operating times will be stipulated when issuing Council's permission for Special Events. The granting of liquor licenses for Special Events will be undertaken in accordance with Section 20(d) of the Eastern Cape Liquor Act.

8.4 The following provisions will be binding on all *liquor establishments* and outlets:

- a) The trading hours applicable to a *liquor outlet* will be the same as the *selling hours*;
- b) *Selling hours* will be granted to each establishment as per the Nelson Mandela Metropolitan Municipality's Liquor Selling Hours By-law;
- c) The trading hours as per the approved Council *Policy/By-law*, will be stipulated on the Business License issued by the Executive Director: Public Health;
- d) The extension or departure with respect to the *selling hours of liquor outlets* will be done in accordance with Schedule 2 and the provisions of the Nelson Mandela Metropolitan Municipality's Liquor Selling Hours By-law;
- e) The trading hours as per the approved Nelson Mandela Metropolitan Municipality's Liquor Selling Hours By-law will be stipulated as part of the land use permission granted by Council via the Executive Director: Human Settlements.

9. NELSON MANDELA BAY LIQUOR COMMITTEE

9.1 *Policy* measures to assist *ward committees* in the assessment of applications in terms of the Liquor Act are as follows:

- a) A Liquor Committee must be established to assist and advise *Ward Committees*, Ward Councillors and the Nelson Mandela Bay communities in respect of applications received in terms of Section 22(2)(d)(i) of the Liquor Act;
- b) The Liquor Committee must meet on a monthly basis to consider and advise all applications received for liquor licenses;
- c) All applicants must apply to register for a Liquor License to the Eastern Cape Liquor Board;
- d) The Liquor Committee must investigate complaints relevant to *liquor outlets* to ensure legislative compliance. The Liquor Committee can also write to the Liquor Board on behalf of Council to object to applications or submit complaints in respect of infringements;
- e) The *community* or *ward committee* or Ward Councillor must submit any complaints to the Liquor Committee, which will direct the complaint to the various responsible person(s) and directorates;
- f) The Executive Director: Human Settlements and the Executive Director: Public Health will be jointly responsible for drafting and crafting the Terms of Reference of the Nelson Mandela Bay Liquor Committee, including the composition of the Committee;
- g) The Human Settlements Committee or the Municipal Planning Tribunal and the Public Health Committee will adopt the Terms of Reference of the Nelson Mandela Bay Liquor Committee, including the composition of the Committee. The Liquor Committee must be representative of the broad *community* and must include at least two NMBMM Councillors, technical experts from Human Settlements, Safety and Security (Fire), Economic Development, Agriculture and Tourism (EDTA) and the Public Health Directorates,

a member of SAPS, a religious representative, a representative from the Eastern Cape Liquor Board and a representative from liquor outlet owner associations;

h) The Human Settlements Committee or the Municipal Planning Tribunal and the Public Health Committee will fulfill the oversight responsibility of Nelson Mandela Bay Liquor Committee.

10. AREAS OF RESPONSIBILITY OF INTERNAL AND EXTERNAL STAKEHOLDERS

10.1 Table 4 below outlines the roles and areas of responsibility of internal and external stakeholders in respect of the *Policy*.

TABLE 4: AREAS OF RESPONSIBILITY OF INTERNAL AND EXTERNAL STAKEHOLDERS	
INTERNAL STAKEHOLDERS	
Directorate	Areas of Responsibility
Land Planning & Management	<ul style="list-style-type: none"> • Land use rights; • Developmental guidelines; • Database for approved <i>Liquor Outlets</i>; • Land use enforcement.
Building Inspectorate	<ul style="list-style-type: none"> • Building design specifications, building alterations; size, etc • Minimum norms and standards as per Building Regulations.
Environmental Health	<ul style="list-style-type: none"> • Health and hygiene; • Ablutions, catering and waste management; • Business licenses.
NMBM Communications	<ul style="list-style-type: none"> • Communicating with all affected stakeholders affected by the <i>Policy</i>; • Developing, implementing and managing institutional branding of the <i>Policy</i> review process.

Legal Directorate	<ul style="list-style-type: none"> Ensuring that the <i>Municipality</i> complies with the applicable legal and regulatory requirements relating to <i>liquor outlets</i>.
Safety and Security (Fire)	<ul style="list-style-type: none"> Minimum norms and standards for safety, fire and emergency services.
Office of the Chief Operating Officer - Policy Formulation	<ul style="list-style-type: none"> Monitoring, reviewing and evaluating all policy processes to ensure compliance with Council protocols and requirement.
Economic Development Tourism and Agriculture	<ul style="list-style-type: none"> Promoting Local Economic Development; Assisting small businesses, including the liquor industry; Facilitating business linkages and market development initiatives through strategic partnerships in different sectors.
EXTERNAL STAKEHOLDERS	
SAPS	<ul style="list-style-type: none"> Crime, Law and Order
Eastern Cape Liquor Board	<ul style="list-style-type: none"> Regulating the liquor industry within the Eastern Cape Province; Issuing of liquor licenses.
Liquor Traders Association	<ul style="list-style-type: none"> Looking after the interest of liquor <i>traders</i> and providing input in regulating the industry.
Liquor and Beverage Manufacturers	<ul style="list-style-type: none"> Looking after the interest of Liquor and Beverage Manufactures and providing input in regulating the industry.
Community Forums and Interested and Affected Parties	<ul style="list-style-type: none"> Areas of concern and providing input into the review process.
NMBM Councillors	<ul style="list-style-type: none"> <i>Community Issues</i>

11. PUBLIC PARTICIPATION AND CONSULTATION PROCESS

- 11.1 The public participation and consultation process will be guided by Section 7(e)(iv) and (v) of the Spatial Planning and Land Use Management Act of 2013, which states that the preparation of policies as well as procedures for development applications must include transparent public participation processes that afford all parties the opportunity to provide inputs on matters affecting them; and that policies, legislation and procedures must be clearly set in order to inform and empower members of the public.
- 11.2 An owner of land or person duly authorised will apply in writing to the City Manager or the Executive Director: Human Settlements for Council's Special Consent, Rezoning, Departure or Amendment of existing conditions approval in order to permit a *liquor outlets* or establishments in terms of the *Policy* and Land Use Management Scheme. In this regard, the following provisions will apply:
- a) The *Municipality* must publish an advertisement in a newspaper circulating in the area; the advertisement must be in English or any other official language(s) at the discretion of Council and give *notice* of the *liquor establishment* application that has been lodged with the *Municipality*.
 - b) The Municipality must serve written *notice* of the proposal either by registered post or by hand on the adjoining/affected property owners, whether the property is developed or not, provided that where the written *notice* is served by hand, a copy of the *notice* so served, signed by the adjoining/affected owner acknowledging that he has received the *notice*, will be lodged with the Council in proof of such service.
 - c) The *notice*, as prescribed by Council from time to time, will state that any person having any objection to the proposed use may lodge such objection together with the grounds therefor with the

Council in writing within 21 days after the date of the last advertisement.

- d) On receipt of any objection referred to in (iii) above, the *Municipality* will, without delay, refer the objection to the applicant for his/her comments and response. The applicant will have 21 days to lodge a written response to objections that have been received.
- e) The Council will take into consideration any objections that have been received within the said period of 21 days and the applicant's comments on the objections within the said period of 21 days.
- f) On receipt of the applicant's comments on any objection, the Municipality will notify the applicant and the persons, if any, from whom objections were received of its final decision on the application.

12 HEALTH AND HYGIENE OF LIQUOR OUTLETS

- 12.1 The Health Act No. 61 of 2003 requires that premises comply with the general hygiene requirements for food premises and the transport of food, and receive a Certificate of Acceptability for food premises. This should be in line with Regulation 962 of 23 November 2012, as promulgated under the Health Act of 2003.
- 12.2 The Tobacco Products Control Act No. 12 of 1999 and the amendments in the Tobacco Products Control Amendment Act No. 63 of 2008 require that premises comply with Government Notice R975 of 2000 relating to the smoking of tobacco products in public places, as promulgated in terms of Section 2 of this Act.

13. LAW ENFORCEMENT AND NON-COMPLIANCE

- 13.1 The enforcement and compliance of the *Policy* will be in accordance with the applicable legislation, as listed on Chapter 5, relating to the

Legal Framework. All land use contraventions relating to the *Policy* will be administered in terms of Sections 32 and 58 of the Spatial Planning and Land Use Management Act of 2013 (Act 16 of 2013).

- 13.2 Where appropriate, the provisions of this Policy will be incorporated into conditions of approval of land use applications for *liquor establishments*. Where, in the opinion of the Council, any contravention of such conditions of approval occurs, the enforcement thereof will be undertaken in terms of the provisions of the Spatial Planning and Land Use Management Act of 2013.
- 13.3 The South African Police Services will exercise its powers and obligations, where deemed necessary, as provided by the legal statutes of the South African Police Services.

14. NON-CONFORMING AND ILLEGAL LIQUOR ESTABLISHMENTS

- 14.1 The Nelson Mandela Bay Municipality requires that all buildings and properties that are trading and functioning as *liquor establishments* be brought in line with the land use restrictions contained in the various scheme regulations and in line with the provisions of this *Policy*.
- 14.2 All land owners concerned will have the opportunity to make representation and submit applications for additional land use rights to permit *liquor establishments*.
- 14.3 The Nelson Mandela Bay Municipality may deviate from the provisions of the *Policy* for lawful non-conforming *liquor establishments*.
- 14.4 Should the application in respect of Clause 14.2 be supported by Council, the registered owner(s) or lessee will be required to comply with the National Building Regulations and Building Standards or to submit a Building Plan in order to legalise the existing on-site structures.

15 APPLICATION DETAILS REQUIRED FOR SUBMISSION

15.1 The following documents and information must be submitted before an application to convert an unlicensed *liquor establishment*/outlet or the opening of new outlets can be considered:

TABLE 5: DOCUMENTATION REQUIRED				
DOCUMENTATION REQUIRED	REZONING	SPECIAL CONSENT	DEPARTURE	AMENDMENT OF EXISTING CONDITIONS
Application fee (revised annually)	X	X	X	X
Title deed/Leasehold title and proof of submission to remove title deed/leasehold title and proof of submission to remove restrictive conditions (or approval)	X	X	X	X
Power of attorney (if property is not registered in applicant's name)	X	X	X	X
Company resolution (if property is registered in name of company)	X	X	X	X
Application form (to be obtained from NMBM Properties Division)	X	X	X	X
Site plan (including parking layout and floor plan)	X	X	X	X
Detailed motivation memorandum	X	X	X	X
Copy of the Liquor License, if already granted by the ECLB	X	X	X	X
Locality Plan	X	X	X	X
Sub-division/Consolidation Plan (if applicable)	X	X	X	X
Number of copies (four sets)	X	X	X	X

16. COMMENCEMENT AND IMPLEMENTATION

16.1 Transitional Arrangements

Once adopted and during the transitional period (the interim period before the NMBM Draft Integrated Zoning Scheme is adopted and promulgated), the *Policy* will be applied to the extent that it does not contradict existing zoning scheme regulations or where an application for additional rights/land use change is being considered. Once the NMBM Integrated Zoning Scheme is introduced, it will only be applicable insofar *liquor establishments/outlets* are not already permitted as of right and will therefore remain a guide to be used for additional land use rights or land use change, whether by rezoning, consent or departure.

16.2 Commencement Date

The commencement date for the *Policy* will be the date of adoption by the Council.

16.3 Existing Policy Rescinded

The Policy entitled Liquor Outlet Policy Vision 2020 adopted by Council in December 2005 will be repealed when this Policy is adopted by Council.

16.4 Policy Review

16.4.1 The *Policy* will be reviewed:

- a) every three years or
- b) once the NMBM Integrated Zoning Scheme has been adopted, or
- c) when the Provincial Planning legislation currently under revision has been promulgated.