



Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

MINUTES OF PROCEEDINGS

STANDING COMMITTEE ON ECONOMIC OPPORTUNITIES, TOURISM AND AGRICULTURE

Friday, 16 October 2015 (10h00)
Committee Room 2, 4th floor, 7 Wale Street, Cape Town

ATTENDANCE

Members:

Democratic Alliance

Lentit, RB
Maseko, LM
Schäfer, BA (Chairperson)

African National Congress

Tyatyam, SG (Alternate Member)

Economic Freedom Front

Joseph, BD

Apology

Davids, SW (ANC)

The following persons were in attendance:

Department of the Economic Development and Tourism

Ms S Botha, State Law Adviser

Department of the Premier

Ms M Mellim, State Law Adviser

Western Cape Provincial Parliament: Staff

Mr Davids, Committee Co-ordinator
Mr Maasdorp, Legal Adviser
Ms Achmat, Committee Co-ordinator
Ms Cloete, Senior Committee Co-ordinator
Ms Motsapi, Committee Assistant

1. Welcome and attendance

The Chairperson opened the meeting and welcomed the Committee members and legal advisors.

2. Consideration and deliberation on the informal stage on the *Western Cape Liquor Amendment Bill* [B 3-2015]

The legal advisers briefed the Committee on the highlights of the submissions received during the public hearing process contained in the matrix of inputs received on the *Western Cape Liquor Amendment Bill* [B 3 – 2015].

The Committee deliberated on the subject of the *Western Cape Liquor Amendment Bill* [B 3 – 2015].

3. Recommendation/Action

The Committee resolved to meet with the Airports Company of South Africa (ACSA) to discuss and possibly find a solution to its comments on the *Western Cape Liquor Amendment Bill* [B 3 – 2015].

4. Consideration and finalisation of the *Western Cape Liquor Amendment Bill* [B 3-2015]

The Committee continued the informal consideration of the Bill. The Committee deliberated on the Bill

On the motion of the Chairperson,

RESOLVED:

That in the opinion of the committee, to amend the Western Cape Liquor Act, 2008, in respect of certain definitions; to make provision for the appointment of not more than three Deputy Presiding Officers to the Liquor Licensing Tribunal; to enable the Presiding Officer of the Liquor Licensing Tribunal to delegate his or her powers and functions; to make provision for the appointment of substitute members of the Liquor Licensing Tribunal; to enable the Presiding Officer of the Liquor Licensing Tribunal to refer certain matters to the Liquor Licensing Tribunal for consideration; to extend the powers of the Liquor Licensing Tribunal; to confer voting rights on co-opted members appointed to certain committees; to extend the functions of the Liquor Licensing Tribunal that may be delegated to a committee; to extend the functions of the Appeal Tribunal; to make different provision regarding the accrual of revenue; to specify a further actor that the Liquor Licensing Tribunal or Presiding Officer may take cognisance of when considering an application for a license; to further regulate the conditional granting of licenses; to do away with special event liquor licenses and instead make provision for event liquor licenses; to make further provision regarding temporary and event liquor licenses; to further regulate the letting of licensed premises; to further regulate the appointment of managers for licensed businesses; to make different provision regarding access by persons under the age of 18 years to restricted areas on licensed premises; to make different provision regarding the trading days and hours of licensed businesses; to do away with the prohibition of unlicensed persons from having more than a specified quantity of liquor in their possession; to further provide for the validity of licenses; to make different provision regarding the automatic renewal of licenses; to make further provision regarding the transfer of licenses; to further regulate the removal of licenses; to make further provision regarding appeals and reviews; to amend provisions

regarding the functions of certain members of the South African Police Service in terms of the Act; to provide that members of a municipal police service are peace officers for the purposes of the Act, and to extend the powers of peace officers in terms of this Act; to make further provision for the entry, search and investigation of certain premises; to repeal the provision prohibiting the sale, supply or consumption of liquor on an erf upon which the business of a service station selling petrol, diesel or other petroleum products to the public is conducted; to extend the exemptions from the operation of this Act; to extend the exemptions from the operation of this Act; to clarify the circumstances in which certain evidence constitutes *prima facie* proof in criminal proceedings or hearings of the Liquor Licensing Tribunal; to make further provision regarding offences and penalties; to make provision for the sale by public auction of certain items forfeited to the state; to effect certain textual improvements; and to provide for matters connected therewith, and that the Bill referred to the Committee be taken as a basis.

The Committee proceeded to the formal consideration of the Bill.

The Chairperson puts the bill clause by clause to the Committee.

The Chairperson put clause 1 with the following amendments;

That on page 3, in line 14, to omit paragraph (c).

That on page 3, in line 25, to omit “[, but excluding fortified wine].

Amendments agreed to.

Clause as amended agreed to.

The Chairperson put clauses 2-16.

Clauses agreed to.

The Chairperson put clause 17 with the following amendment;

That on page 10, in line 30, to omit “allowanother” and to substitute “allow another”.

Amendment agreed to.

Clause as amended agreed to.

The Chairperson put clause 18 with the following amendment;

That on page 11, in line 27, after “Tribunal” to insert “or the Presiding Officer, as the case may be,”

Amendment agreed to.

Clause as amended agreed to.

The Chairperson put clauses 19-24.

Clauses agreed to.

The Chairperson put clause 25 with the following amendments;

That on page 14, from line 42, to omit “Presiding Officer must grant the application for the transfer of the licence” and to substitute “Liquor Authority must issue the certificate of transfer in accordance with subsection (17)”.

That on page 14, from line 44, to omit paragraphs (d) and (e).

That on page 15, from line 3, to omit paragraph (g), and to substitute it with the following paragraph:

(g) by the substitution for subsection (21) of the following subsection:

“(21) The Liquor Licensing Tribunal may **[, in its discretion,]** grant an application for transfer in favour of an executor, trustee, curator or liquidator or to such other person as the Liquor Licensing Tribunal may **[deem appropriate]** determine.”.

Amendments agreed to.

Clauses as amended agreed to.

The Chairperson put clause 26 with the following amendments;

That on page 15, from line 35, to omit “Presiding Officer must grant the application for the removal of the licence” and to substitute “Liquor Authority must issue the certificate of removal in accordance with subsection (6)”.

That on page 15, from line 37, to omit paragraph (d) and (e).

Amendments agreed to.

Clause as amended agreed to.

The Chairperson put clauses 27-31.

Clauses agreed to.

The Chairperson put clause 32 with the following amendment;

That on page 18, in line 20, to omit paragraph (b).

Amendment agreed to.

Clause as amended agreed to.

The Chairperson put clauses 33 – 40.

Clauses agreed to.

The Chairperson put the long title

Long title agreed to.

The Chairperson put the entire Bill.

The Bill, as amended agreed to.

The Chairperson submitted a draft Committee report, which was considered and agreed to.

5. Recommendations/Actions

The Committee resolved:

- 5.1 to request the Legal Advisors to incorporate all changes into the memorandum of the object of the Bill as changed by the amendments in the Bill; and
- 5.2 that the *Western Cape Liquor Amendment Bill* [B 3 – 2015] be forwarded to House.

Having concluded its business for the day, the meeting adjourned at 11h15.



MS B SCHAFER, MPP

**CHAIRPERSON: STANDING COMMITTEE ON ECONOMIC OPPORTUNITIES, TOURISM
AND AGRICULTURE**

Date: 28 OCTOBER 2015