

SECTION 64 RENEWALS



WESTERN CAPE
LIQUOR AUTHORITY

IMPLEMENTATION OF NON-AUTOMATIC LICENCE RENEWALS

Starting from the 2023 licence renewal cycle, the Western Cape Liquor Authority (WCLA) is implementing section 64 of the [Western Cape Liquor Act](#), which provides for non-automatic licence renewals. This is a significant step taken by the WCLA toward regulating liquor more effectively in the public interest.

Put simply, it means that **licence holders who are non-compliant – or ‘errant’ – will have to apply to renew their licence and show that it still serves the public interest.**

The non-automatic renewal process **empowers communities to take action against problematic licensed establishments**, with an opportunity to comment on whether these errant licence holders should be allowed to continue trading.

Alcohol is regulated because it is a toxic and psychoactive substance with dependence-producing properties. It causes significant harm to individuals, families and communities; resulting in significant social, health and economic burdens on society. In the Western Cape, alcohol is linked to over 50% of murders and road deaths. There are countless other indicators that demonstrate the very real impact of alcohol harms.

Non-automatic licence renewals reinforce the concept that **a liquor licence is granted as a concession to trade alcohol, provided the licence is operated in a manner that is mindful of the public interest.**

This differentiated approach to licence renewals will enhance the role of regulation in reducing alcohol-related harms and creating safer communities in the Western Cape. It rewards good behaviour by allowing compliant licensees to renew their licence automatically, while introducing adverse consequences for errant behaviour.

Those **licensees who are non-compliant and do not qualify for automatic licence renewal will be notified by 31 July**, ahead of the annual renewal period. They will then have the opportunity to submit an application to renew their licence, for the consideration of the Liquor Licensing Tribunal. During this process, members of the public will be able to submit comments in relation to the licensed establishments identified for non-automatic licence renewals.

The FAQs on page 2 (or overleaf) provide more detail.

For queries, please contact the WCLA: **021 204 9805** or liquor.enquiries@wcla.gov.za.

FREQUENTLY ASKED QUESTIONS

WHAT IS THE PURPOSE OF NON-AUTOMATIC LICENCE RENEWALS?

Put simply, non-automatic renewals allow for a differentiation between compliant and non-compliant licence holders. Those who are compliant will be able to renew their licence conveniently via the automatic process. However, errant licence holders will be compelled to apply for the renewal of their liquor licence and show that it still serves the public interest.

WHAT DETERMINES NON-AUTOMATIC RENEWAL?

A licence cannot be renewed automatically if the licensee has (since the date of issue of the licence or, if the licence has been renewed, since the last renewal of the licence) —

- (a) become disqualified to hold a licence for the reasons specified in section 35 of the Act (e.g. being sentenced to imprisonment without the option of paying a fine);
- (b) been declared unfit by the LLT to hold a licence;
- (c) failed to comply with a compliance notice issued;
- (d) been the subject of a report relating to alleged failure to comply with the conditions of the licence, a compliance notice or the provisions of the Act; or
- (e) been the subject of a complaint received by a municipality.

HOW WILL THE NON-AUTOMATIC RENEWAL PROCESS BE ROLLED OUT?

The process will start from July 2022 when the 2023 renewal cycle commences. By 31 July, notices will be served on errant licensees, informing them that their licence will not be automatically renewed. They will be advised to submit an application to renew their licence (by no later than 30 September). This application will attract an application fee over and above the renewal fee to be paid should the renewal be granted.

WHY IS NON-AUTOMATIC RENEWAL OF LICENCES BEING IMPLEMENTED NOW?

The non-automatic renewal process could not be implemented to date due to inadequate capacity. Section 64 is prejudicial and thus must be implemented in a fair, just and equitable manner. In 2021, the number of liquor inspectors was increased threefold, enabling the WCLA to conduct inspections of all licensed premises. This will ensure the WCLA can implement section 64 in a fair, just and equitable manner.

Should you have any further questions, please contact the WCLA at **021 204 9805** or liquor.enquiries@wcla.gov.za.