

POLICY: TAVERN

Item B-DP (6-2004) MC 16-09-2004	POLICY REVIEW: TAVERN POLICY
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RESOLVED:

1. **That** the report regarding the proposed Tavern Policy review **BE NOTED**.
2. **That** the Tavern Policy which was approved by the Mayoral Committee on 12 June 2003 (Item **B-DP 4-2003**) **BE AMENDED** by the deletion of Condition 7.1 of the policy which read as follows:

“A tavern will not be permitted by the Metropolitan Municipality on premises situated within 500m radius from similar license, place of public worship or a place of instruction (e.g. schools, crèches etc)”

3. **That** the issue of taverns/bars adjacent to or in close proximity of schools **BE TAKEN UP** with the Department of Education.

Item B-DP (4-2003) MC 12.6.2003	STANDARDISATION OF DEVELOPMENT PLANNING POLICIES : TAVERN POLICY
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RESOLVED:

1. **That** the report regarding the Standardisation of the Development Planning Policy on Taverns, attached as Annexure “A” to the report, **BE NOTED** and that the said policy **BE APPROVED**, subject to the amendment of the times in 7.3(f) of the policy to reflect as per regulatory legislation.
2. **That** all provisions in existing Town-planning Schemes, which are in conflict with the Development Planning policy on Taverns, **BE AMENDED** in accordance with the policy within a period of one year.
3. **That** the provisions of the policy **BE APPROPRIATELY COMMUNICATED** to Ward Committees and relevant stakeholders by the Development Planning Department.

TAVERN POLICY

JUNE 2003

**PREPARED BY:
DEVELOPMENT
PLANNING
DEPARTMENT**

***Approved at Mayoral Committee
2003.06.12
ITEM B-DP (4-2003)***



TABLE OF CONTENTS

1. **Problem Statement**
2. **Purpose of the policy**
3. **Definition**
4. **Related Legislation**
5. **Town Planning Procedures**
6. **Main Considerations**
7. **Town Planning Criteria**
 - 7.1 Areas where taverns are permitted
 - 7.2 Guiding principles for assessment
 - 7.3 Conditions
8. **Implementation**

1. PROBLEM STATEMENT

A number of taverns are presently conducted illegally on residential stands within Ekurhuleni Metropolitan Municipality and there is no proper policy to regulate the operation of the taverns on residential stands.

All the SDC's within the metropolitan municipality have different procedures and conditions for taverns.

Due to poor control measures, some of the taverns create noise or nuisance to the surrounding neighbours.

2. PURPOSE OF THE POLICY

The purpose of the policy is to propose a uniform policy for taverns within Ekurhuleni Metropolitan Municipality, in order to ensure that taverns are compatible with the residential character, and that sufficient conditions are imposed to maintain and control taverns.

It is intended through this policy to promote a peaceful and healthy environment within which taverns will operate in the best interest of both the patrons and the adjacent residents.

3. DEFINITION

A tavern is defined as an area of a dwelling unit, used by the occupant of such dwelling unit for the serving and sale of food and liquor.

4. RELATED LEGISLATION

Liquor Act 27 of 1989

Liquor Act No 2 of 2003 (which is not yet operational)

5. TOWN PLANNING PROCEDURES

The Service Delivery Centres within the Ekurhuleni Metropolitan Municipality have different legislations and regulations presently operating (e.g. Annexure "F" of the Black community Development Act, 4 of 1984, various Town Planning Schemes etc). The procedures differ from one SDC to another depending on the operating legislation.

6. MAIN CONSIDERATIONS

- The policy applies to the sale of liquor on residential stands within Ekurhuleni Metropolitan Municipality.
- Uniform procedure for approval of taverns should be included during the compilation of the Metro Town Planning Scheme.
- Due to the high rate of unemployment, taverns contribute towards job creation and are a source of income for many families.
- The municipality must impose and enforce strict conditions in order to ensure that taverns are compatible with the uses within a residential township (e.g. Dwelling houses, Place of public worship, Place of instruction etc), in such a way that the residential character of the area is not compromised but retained, and that all residents live peacefully.

7. TOWN PLANNING CRITERIA

(Amended by resolution B-DP(6-2004) Mayoral Committee Meeting of 16 September 2004)

7.1 Guiding principles for assessment

- a. A tavern must be operated from a building or associated immovable structure approved in terms of the National Building Regulations Act.
- b. The applicant shall obtain written comments from the surrounding neighbours. The municipality will determine the affected neighbours.
- c. A small scale site plan(A4 or any acceptable size) shall be submitted with the application.
- d. A motivating memorandum stipulating the intentions of the applicant together with a locality plan shall form part of the application.
- e. A fee will be charged in accordance with the tariffs approved by the Municipality.
- f. The Title Deed of the property must form part of the application.
- g. If the applicant is not the owner of the property, a power of Attorney must be submitted.
- h. All objections lodged or representations made shall be dealt with at the Development Tribunal.

7.2 Conditions

- a. An application for a tavern shall be lodged in terms of the provisions and procedures of the applicable legislation.
- b. A tavern shall refer to an area of a dwelling unit, used by the occupant of such dwelling unit for serving and sale of liquor.
- c. The activity may not be noxious or hazardous to the health and safety of the surrounding property owners.
- d. The activity may not be a nuisance to the neighbours.
- e. The main use of the property shall remain residential and the occupant shall reside in the dwelling unit.
- f. The business operating hours shall be as per applicable legislation.

- g. A Site Development plan and building plans, drawn to scale shall be submitted to the municipality. No building shall be erected on the property before to such plans have been approved, and the whole development of the property shall be in accordance with the approved plans. The Site Development plan shall show the following:
- i. The sitting, height, coverage and where applicable, the floor area ratio of all buildings and structures.
 - ii. Vehicular entrances and exists to and from the property to any existing or proposed public street, which shall be sited, constructed and maintained, to the satisfaction of the Metropolitan Municipality.
 - iii. Entrances to buildings and parking areas;
 - iv. Building restriction areas (if any);
 - v. Parking, on and off loading facilities (on and off loading to be provided on site).
 - iv. The elevational treatment of all buildings and structures.
- h. The applicant shall conduct no other use than that of a tavern, as approved by the municipality.
- i. If there is any change in use or the owner wants to conduct an additional use on the property, the owner/occupant should re-apply.
- j. The Liquor Board must approve a liquor licence of the property before the approval of the municipality comes to operation.
- k. The applicant may not advertise in any way on the property, except as provided in terms of the relevant Town Planning Scheme, advertising by- laws or advertising policy of the municipality.
- l. All consumption of liquor should be within the property.
- m. Should the applicant fail to comply with any of the conditions, the permission granted will not be valid and the municipality may suspend or withdraw the permission granted.

8. IMPLEMENTATION

Development Planning

- The department will be responsible for the processing of all applications for taverns. This will include circulation of the applications to other departments.
- The department will have to deal with all the illegal taverns(this will be achieved through the law enforcement strategy).

Roads, Transport and Civil Works

The department will be responsible for the processing and approval of the Site Development Plans and Building Plans. This will include the monitoring of the development to ensure that the proposed development is built in accordance with the approved building plans.